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SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

# MISSOURI REGISTER

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November 1, 2018 November 15, 2018	December 3, 2018 December 17, 2018	December 31, 2018 December 31, 2018	January 30, 2019 January 30, 2019
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April 1, 2019 April 15, 2019	May 1, 2019 May 15, 2019	May 31, 2019 May 31, 2019	June 30, 2019 June 30, 2019

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at [www.sos.mo.gov/adrules/pubsched](http://www.sos.mo.gov/adrules/pubsched).

## HOW TO CITE RULES AND RSMO

### RULES

The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

### ***Code and Register on the Internet***

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is [www.sos.mo.gov/adrules/csr/csr](http://www.sos.mo.gov/adrules/csr/csr)

The *Register* address is [www.sos.mo.gov/adrules/moreg/moreg](http://www.sos.mo.gov/adrules/moreg/moreg)

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2016. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 95—Medical Marijuana**

**EMERGENCY RULE**

**19 CSR 30-95.020 General Provisions**

***PURPOSE:** This rule explains where and when licensing application fees may be pre-filed with the Department of Health and Senior Services and provides the form for pre-filing licensing application fees.*

***EMERGENCY STATEMENT:** This emergency rule informs the public when licensing application fees for medical marijuana cultivation, dispensary, and infused products manufacturing facilities may be pre-filed with the Missouri Department of Health and Senior Services. Article XVI, Section 1 of the *Missouri Constitution* became effective on December 6, 2018 and requires that the department begin accepting pre-filed licensing application fees from the public beginning thirty (30) days after that effective date, which is January 5, 2019. In order to collect those pre-filed fees and maintain accurate records of who has paid such fees to the department and why such fees were submitted, the department requires a Pre-Filed License Application Fee form and regulations must be promulgated to instruct the public on where to locate and how to submit this form and their pre-filed application fees. Article XVI, Section 1 of the *Missouri Constitution**

*grants the department the authority to promulgate rules and emergency rules for the enforcement of the section. Without such emergency rules, the department will be unable to efficiently regulate and control the cultivation, manufacturing, and sale of marijuana for medical use and access to qualified patients and their caregivers will be unreasonably restricted. As a result, the department finds a compelling governmental interest in promoting the health and safety of Missouri residents who wish to use marijuana for medical purposes, requiring this emergency action. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 14, 2018, becomes effective December 24, 2018, and expires June 21, 2019.*

**(1) Application Fees.**

(A) The department shall charge each applicant seeking a license a nonrefundable fee as authorized by Article XVI, Section 1, Subsection 3 of the *Missouri Constitution*. The department shall publish the current fees, including any adjustments, on its medical marijuana program website at <https://health.mo.gov/safety/medical-marijuana/index.php>.

**(2) Pre-filed Application Fees.**

(A) Any applicant seeking a license authorized by Article XVI, Section 1 of the *Missouri Constitution*, may pre-file their application fee with the department beginning on January 5, 2019.

(B) All pre-filed application fees submitted to the department are nonrefundable.

(C) All pre-filed application fees shall be accompanied by a completed Pre-Filed License Application Fee form, promulgated as of December 2018 and incorporated by reference in this rule. As published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available at <https://health.mo.gov/safety/medical-marijuana/forms.php>. This rule does not incorporate any subsequent amendment or addition.

(D) The submittal of a pre-filed application fee does not guarantee a license shall be issued. An applicant who submits a pre-filed application fee and a completed Pre-Filed License Application Fee form shall not be considered for licensure until the applicant also submits a completed application for licensure.

(E) The department will only accept pre-filed application fees made by personal or certified check, cashier's check, or money order made payable to the Missouri Department of Health and Senior Services.

(F) An applicant may deliver their completed form and pre-filed application fee:

1. By mail to the Missouri Department of Health and Senior Services, FEE RECEIPT UNIT, P.O. Box 570, Jefferson City, MO 65102-0570; or

2. By hand or by special courier to the physical street address of FEE RECEIPT UNIT, at the Missouri Department of Health and Senior Services, 920 Wildwood Drive, Jefferson City, MO 65109.

(G) Applicants submitting pre-filed application fees shall identify the type of license anticipated and the general location of the anticipated facility, should a license be granted. The facility location information is for department tracking purposes only. The facility location may change prior to a license being granted.

(H) If an applicant desires to seek multiple licenses and/or different types of licenses, the applicant must submit a separate Pre-Filed License Application Fee form and fee for each license.

(I) A pre-filed application fee shall only be applicable to a license application submitted by such applicant, or their designee as provided

in subsection (2)(J), to the department within one (1) year of the date on which the department begins accepting applications for licenses authorized under Article XVI, Section 1 of the *Missouri Constitution*.

(J) An applicant who submits a pre-filed application fee, as an individual, may provide written notice to the department that such pre-filed application fee should be used for the license application of a business which they have an ownership interest in.

(K) A pre-filed application fee is considered submitted, for the purposes of this rule, on the date on which it is received by the department with a completed Pre-Filed License Application Fee form.

*AUTHORITY: section 1 of Art. XVI, Mo. Const. Emergency rule filed Dec. 14, 2018, effective Dec. 24, 2018, expires June 21, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards**

**PROPOSED AMENDMENT**

**3 CSR 10-9.220 Wildlife Confinement Standards.** The commission proposes to amend section (3), paragraphs (3)(A)1., (3)(A)3., (3)(A)4., (3)(B)1., (3)(B)2., and subsection (3)(C); remove paragraphs (3)(C)1.-5., and subsections (3)(D) and (3)(E); re-letter subsequent subsections; amend new subsection (3)(D) and remove paragraphs (3)(D)1.-3.; amend new subsection (3)(E) and remove paragraphs (3)(E)1.-3.; and amend new subsections (3)(F) and (3)(G) of this rule.

**PURPOSE:** *This amendment permits the use of additional fencing materials, allows existing live trees with a six inch (6") or greater*

*diameter at breast height to remain on existing facilities, and simplifies fencing standards for confined cervids while assuring the animals are confined in humane and sanitary conditions and in ways that prevent ingress and egress of those animals.*

(3) Cages, pens, or other enclosures of individuals permitted to hold cervids shall meet the standards and requirements provided in this section *[no later than June 30, 2016. New permits for holding cervids on or after January 30, 2015, will be limited to individuals who meet the following fencing and holding requirements:]*.

(A) Cages, pens, or other enclosures.

1. All fencing shall extend at least a minimum of eight feet (8') high for its entire length, and consist of **not smaller than** twelve and one-half (12 1/2) gauge woven **or high-tensile woven** wire, *[fourteen and one-half (14 1/2) gauge high-tensile woven wire,]* **not smaller than six (6) gauge welded wire, not smaller than nine (9) gauge chain link, or wood planks.** *[or chain link. Strands of barbed wire shall not be used to achieve the maximum required height.]*

2. Spacing between vertical wires and wooden planks shall not exceed six and one-half inches (6 1/2").

3. If two (2) *[woven wire]* **or more** fences are combined, one (1) above the other, the *[woven wire]* fences shall be overlapped at least six inches (6") and firmly attached to each other at intervals no greater than three feet (3') or combined and firmly attached to each other at intervals no greater than *[six inches (6")]* **twelve inches (12")** apart *[with hog rings]*.

4. The fence *[bottoms]* shall be installed **and maintained** to provide not more than three inches (3") of ground clearance for its entire length.

(B) Right-of-way.

1. The fence right-of-way shall be cleared of **woody vegetation less than six inch (6") diameter at breast height** for a minimum distance of six feet (6') on the outside of the fence on land(s) under his/her control and six feet (6') on the inside of the fencing. **For enclosures and additions constructed after April 30, 2018, the fence right-of-way shall be cleared of all woody vegetation for a minimum distance of six feet (6') on the outside and the inside of the fencing.**

2. *[The permit holder shall fell all]* **All** dead trees with a height greater than the distance to the fence on land(s) under his/her control **shall be felled**.

(C) Fence posts **shall extend at least a minimum of eight feet (8') high, shall be of sufficient strength, and placed to maintain fence integrity.**

*[1. Fence posts shall extend at least a minimum of eight feet (8') high and shall be of sufficient strength to maintain fence integrity.*

*2. Pine wood posts shall be treated.*

*3. Wood and steel pipe posts shall be set to a minimum depth of three feet (3').*

*4. Metal T-posts shall be installed according to manufacturers' specifications.*

*5. Metal U-posts shall be of a sufficient strength to support the fence.*

(D) Line posts.

1. **Wooden line posts shall be a minimum of four inches (4") in diameter and shall not be spaced more than twenty-four feet (24') apart.**

2. **Steel pipe line posts shall—**

A. **Be a minimum of two and three-eighths inches (2 3/8") in outside diameter; and**

B. **Not spaced more than twenty-four feet (24') apart.**

3. **Metal "T" and "U" line posts shall be spaced no more than twenty feet (20') apart.**

4. If the woven wire is not high tensile, there shall be a wooden or steel pipe post every sixty feet (60').

5. Line braces shall be used at least every one thousand feet (1000') of straight line distance and, if necessary, at shorter intervals to sufficiently support the fence.

(E) Corner and end posts.

1. Wooden corner and end posts shall be a minimum of five inches (5") in diameter.

2. Steel pipe corner and end posts shall be a minimum of two and seven-eighths inches (2 7/8") in outside diameter.

3. Corner and end posts of other materials shall be of sufficient strength to maintain fence integrity and must be approved by the department prior to installation.

4. Corner and end posts must be set in concrete and braced in a manner to sufficiently support the fence.]

[(F)](D) Gates shall be[—] locked, latched, and constructed to meet or exceed the standards of the fence.

[1. Constructed to meet the specifications of the fence;

2. Equipped with at least one (1) latching and one (1) locking device; and

3. Gate support posts must be braced in a manner to sufficiently support the fence.]

[(G)](E) Water gaps and stream crossings[.] shall be constructed and maintained in a condition to prevent ingress and egress of cervids at all times.

[1. Swinging water gaps and stream crossings shall be constructed to equal or exceed the standards of the fence.

2. These crossings shall be adequate to prevent ingress and egress during high water.

3. Permissible water gaps are as follows:

A. Swinging gates constructed to match the contour of the stream supported by a galvanized steel cable or hinge. Cable shall be a minimum of five-eighths inch (5/8") in diameter;

B. Pipe with swinging barrier;

C. Pipe with fixed mesh barrier; and

D. Heavy gauge woven barrier contoured to fit the gap.]

[(H)](F) If topographic, natural, or other conditions exist that enable cervids to pass through, under, or over the fence, the permit holder shall be required to supplement the fence with additional, stronger or higher fence posts, special grading, additional fencing [wire to increase fence height], or other measures to prevent [escape] ingress and egress of cervids at all times.

[(I)](G) Fencing shall be maintained in a condition to prevent [an escape] ingress and egress of cervids at all times.

**AUTHORITY:** sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule was previously filed as 3 CSR 10-3.020. Original rule filed Nov. 2, 1984, effective Feb. 11, 1985. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 14, 2018.

**PUBLIC ENTITY COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE ENTITY COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of

this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION

### Division 10—Missouri Highways and Transportation Commission

#### Chapter 4—Uniform Relocation Assistance

#### PROPOSED AMENDMENT

**7 CSR 10-4.020 Relocation Assistance Program.** The Missouri Highways and Transportation Commission is amending section (1).

**PURPOSE:** This amendment incorporates changes to the department's Relocation Assistance Program Manual, which were required by the Moving Ahead for Progress in the 21st Century Act of 2012 (MAP-21) and changes to Title 23, Code of Federal Regulations, Part 710, effective September 22, 2016.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) This rule adopts the department's Engineering Policy Guide, Category 236—Right of Way, Article 8, *Relocation Assistance Program*, which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Design Division, 105 West Capitol Avenue, Jefferson City, MO 65102, [October 31, 2017] **September 25, 2018** Edition. This rule does not incorporate any subsequent amendments or additions.

**AUTHORITY:** sections 226.150, 227.120, and 523.210, RSMo 2016; 42 U.S.C. Chapter 61; 23 CFR Part 710; and 49 CFR Part 24. Original rule filed March 4, 1983, effective June 15, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 10, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102 or [Pamela.Harlan@modot.mo.gov](mailto:Pamela.Harlan@modot.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 12—DEPARTMENT OF REVENUE

### Division 40—State Lottery Chapter 10—General Considerations

#### PROPOSED RULE

**12 CSR 40-10.040 Commission Meetings**



*PURPOSE: This rule informs the commission's meeting frequency and procedures.*

(1) The commission shall meet at least quarterly, whether in person or via electronic media, with such meetings presided over by the chairman or, in the chairman's absence or at the chairman's request, by the vice chairman, if any.

(2) The commission shall elect officers from its membership as it determines.

(3) Interim meetings shall be convened at the request of the chairman or upon written request received by the chairman from a majority of the commission.

(4) The commission shall conduct its meetings in accordance with the current edition of *Robert's Rules of Order Newly Revised* in all cases in which they are applicable and not inconsistent with applicable law.

*AUTHORITY: sections 313.220 and 313.225, RSMo 2016. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed July 15, 2014, effective Feb. 28, 2015. Rescinded: Filed Dec. 27, 2017, effective June 30, 2018. Readopted: Filed Dec. 5, 2018.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 40—State Lottery  
Chapter 40—Retail Sales Licenses**

**PROPOSED AMENDMENT**

**12 CSR 40-40.280 Retailer Contract Provisions.** The department is amending the rule purpose.

*PURPOSE: This amendment eliminates unnecessary language in the purpose of the rule.*

*PURPOSE: [This rule contains provisions already existing in other regulations but would move those provisions to the chapter that primarily governs retailers.] This rule establishes certain provisions that may be included, but are not required, in retailer contracts.*

*AUTHORITY: section 313.220, RSMo 2016. Original rule filed Dec. 27, 2017, effective June 30, 2018. Amended: Filed Dec. 5, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the*

*Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 40—State Lottery  
Chapter 50—Tickets and Prizes**

**PROPOSED AMENDMENT**

**12 CSR 40-50.060 Player Agreement.** The department is amending the rule purpose.

*PURPOSE: This amendment eliminates unnecessary language in the purpose of the rule.*

*PURPOSE: [This proposed rule contains provisions already existing in other regulations but would move those provisions to the chapter that primarily governs players' tickets and prizes.] This [proposed] rule addresses player compliance with lottery law, rules, instructions, and agreements.*

*AUTHORITY: sections 313.220 and 313.230, RSMo 2016. Original rule filed Dec. 27, 2017, effective June 30, 2018. Amended: Filed Dec. 5, 2018*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 40—State Lottery  
Chapter 70—Suspension, Revocation and  
Denial of Licenses**

**PROPOSED AMENDMENT**

**12 CSR 40-70.040 Effect of Action and Submission of Evidence.** The department is amending sections (1) and (2).

*PURPOSE: This amendment eliminates two (2) outdated cross-references to another regulation.*

(1) Except [as provided in 12 CSR 40-70.050] **when the notice of action indicates it is immediately effective**, any action which the director proposes to take shall not take effect until the expiration of the thirty- (30-)/- day period in which the licensee may file evidence under 12 CSR 40-70.030 including any extension granted under 12 CSR 40-70.030.

(2) Except [as provided in 12 CSR 40-70.050] **when the notice of action indicates it is immediately effective**, any submission under 12 CSR 40-70.010 shall stay any action until the final decision of the director.

*AUTHORITY: section 313.220, RSMo [1986] 2016. Original rule filed April 9, 1986, effective April 19, 1986. Amended: Filed Dec. 5, 2018.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Legal Services, Missouri Lottery, PO Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 95—Medical Marijuana**

**PROPOSED RULE**

**19 CSR 30-95.020 General Provisions**

**PURPOSE:** *This rule explains where and when licensing application fees may be pre-filed with the Department of Health and Senior Services and provides the form for pre-filing licensing application fees.*

**(1) Application Fee.**

(A) The department shall charge each applicant seeking a license a nonrefundable fee as authorized by Article XVI, Section 1, Subsection 3 of the *Missouri Constitution*. The department shall publish the current fees, including any adjustments, on its medical-marijuana program website at <https://health.mo.gov/safety/medical-marijuana/index.php>

**(2) Pre-filed Application Fees.**

(A) Any applicant seeking a license authorized by Article XVI, Section 1 of the *Missouri Constitution*, may pre-file their application fee with the department beginning on January 5, 2019.

(B) All pre-filed application fees submitted to the department are nonrefundable.

(C) All pre-filed application fees shall be accompanied by a completed Pre-Filed License Application Fee form, promulgated as of December 2018 and incorporated by reference in this rule. As published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available at <https://health.mo.gov/safety/medical-marijuana/forms.php>. This rule does not incorporate any subsequent amendment or addition.

(D) The submittal of a pre-filed application fee does not guarantee a license shall be issued. An applicant who submits a pre-filed application fee and a completed Pre-Filed License Application Fee form shall not be considered for licensure until the applicant also submits a completed application for licensure.

(E) The department will only accept pre-filed application fees made by personal or certified check, cashier's check, or money order made payable to the Missouri Department of Health and Senior Services.

(F) An applicant may deliver their completed form and pre-filed application fee—

1. By mail to the Missouri Department of Health and Senior Services, FEE RECEIPT UNIT, P.O. Box 570, Jefferson City, MO 65102-0570; or

2. By hand or by special courier to the physical street address of FEE RECEIPT UNIT, at the Missouri Department of Health and Senior Services, 920 Wildwood Drive, Jefferson City, MO 65109.

(G) Applicants submitting pre-filed application fees shall identify the type of license anticipated and the general location of the antici-

pated facility, should a license be granted. The facility location information is for department tracking purposes only. The facility location may change prior to a license being granted.

(H) If an applicant desires to seek multiple licenses and/or different types of licenses, the applicant must submit a separate Pre-Filed License Application Fee form and fee for each license.

(I) A pre-filed application fee shall only be applicable to a license application submitted by such applicant, or their designee as provided in subsection (2)(J), to the department within one (1) year of the date on which the department begins accepting applications for licenses authorized under Article XVI, Section 1 of the *Missouri Constitution*.

(J) An applicant who submits a pre-filed application fee, as an individual, may provide written notice to the department that such pre-filed application fee should be used for the license application of a business which they have an ownership interest in.

(K) A pre-filed application fee is considered submitted, for the purposes of this rule, on the date on which it is received by the department with a completed Pre-Filed License Application Fee form.

**AUTHORITY:** *section 1 of Art. XVI, Mo. Const. Emergency rule filed Dec. 14, 2018, effective Dec. 24, 2018, expires June 21, 2019. Original rule filed Dec. 14, 2018.*

**PUBLIC COST:** *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with Dean Linneman, Director, Department of Health and Senior Services, Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 100—Insurer Conduct  
Chapter 1—Improper or Unfair Claims Settlement  
Practices**

**PROPOSED AMENDMENT**

**20 CSR 100-1.010 Definitions.** The director is amending subsection (1)(E) of this rule

**PURPOSE:** *For purposes of uniformity, this amendment is modifying the definition of "insurer" to be consistent with the definition in section 375.1002(2).*

(1) As used in the Unfair Claims Settlement Practices Act at sections 375.1000 to 375.1018, RSMo and in the regulations promulgated pursuant thereto—

(E) "Insurer," [any legal entity organized, incorporated or doing business under the provisions of Chapter(s) 354, 375–379, 381 or 383, RSMo or otherwise engaged in the business of insurance in this state] has the same meaning as in section 375.1002(2), RSMo;

**AUTHORITY:** *sections 374.045, RSMo and 375.1000–375.1018, RSMo 2016. This rule was previously filed as 4 CSR 190-10.060(1).*

*Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 13, 2018.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 100—Insurer Conduct  
Chapter 1—Improper or Unfair Claims Settlement  
Practices**

**PROPOSED AMENDMENT**

**20 CSR 100-1.050 Standards for Prompt, Fair, and Equitable Settlement of Claims.** The director is amending the purpose statement, section (1), subsections (1)(G), (1)(H), (2)(D), (2)(E), (3)(A), and (3)(B).

**PURPOSE:** *This amendment updates and clarifies standards for prompt, fair and equitable settlements regarding claims under health benefit plans, and clarifies how interest is applied to death benefit claims. This amendment also updates language regarding estimates as stated in the NAIC model.*

**PURPOSE:** *This rule effectuates or aids in the interpretation of sections 375.1007(3) and 375.1007(4), RSMo.*

(1) Standards for Prompt, Fair, and Equitable Settlements Applicable to All Insurers, **(excluding electronically submitted claims under health benefit plans subject to sections 376.383 to 376.384, RSMo).**

(G) All insurers offering cash settlements of first-party long-term disability income claims shall develop a present value calculation of future benefits utilizing contingencies, such as mortality, morbidity, and interest rate assumptions, etc., appropriate to the risk. A copy of the amount so calculated shall be given to the insured and signed by him/her at the time a settlement is entered into. *A], and a copy of the amount with the calculations shall be given to the insured at the time the insured is first approached regarding settlement. This acknowledgment of advice of probable value of the contract, together with a copy of the calculations used to arrive at the amount, shall be maintained in the claim file whenever a cash settlement is accepted by the insured. This regulation [shall] does not apply to the settlement of liability insurance claims or structured settlements made in settlement of liability insurance claims. The furnishing of a present value calculation to an insured [shall] is not [be] construed to imply or impose any liability on the insurer.*

(H) *[Interest at the rate of nine percent (9%) per annum shall be paid on all life insurance policy proceeds upon the death of the insured if the insurer fails to pay the proceeds of the policy within thirty (30) days of submission of proof of death and receipt of all necessary proofs of loss. Payment*

*shall include interest at nine percent (9%) per annum, unless another rate has been agreed upon, from the date of death of the insured until the date the claim is paid.] For death benefit claims on all life insurance policies, consistent with section 408.020, interest accrues at the rate of nine percent (9%) per annum, unless a different interest rate is specified in the policy, from the date of death of the insured until the date the claim is paid if the insurer fails to pay the policy proceeds within thirty (30) days of submission of proof of death and receipt of all necessary proofs of loss. Interest at the same rate continues to accrue on any unpaid interest not included with the death benefit payment.*

(2) Standards for Prompt, Fair, and Equitable Settlements Applicable to Automobile Insurance.

(D) Estimates.

1. If an insurer prepares an estimate of the cost of automobile repairs, the estimate shall be in an amount for which it may be reasonably expected the damages can be satisfactorily repaired. The insurer shall give a copy of the estimate to the claimant and may furnish to the claimant the names of one (1) or more conveniently located repair shops.

2. No insurer may prepare an estimate, except an estimate prepared at the insured's request by a person or entity having no contractual relationship with the insurer, of the cost of automobile repairs based on the use of an after-market part, unless each of the following conditions are met:

A. The insurer discloses to the claimant in writing, either on the estimate or in a separate document attached to the estimate, the following information in no smaller than ten- (10-)/- point type: "This estimate has been prepared based on the use of an automobile part(s) not made by the original equipment manufacturer. Parts used in the repair of your vehicle by other than the original manufacturer are required to be at least equal in *[like,]* kind and quality in terms of fit, quality, and performance to the original manufacturer parts they are replacing." All after-market parts installed on the vehicle shall be clearly identified on the repair estimate;

B. No insurer shall require the use of after-market parts in the repair of an automobile unless the after-market part is at least equal in *[like,]* kind and quality to the original part in terms of fit, quality, and performance. Insurers specifying the use of after-market parts shall consider the cost of any modifications which may become necessary when making the repair; and

C. All after-market parts, which are subject to this regulation and manufactured after October 31, 1991, shall carry sufficient permanent identification so as to identify its manufacturer. *[This], with the identification [shall] being accessible to the extent possible after installation.*

3. Definitions.

A. Insurer includes any person authorized to represent the insurer with respect to a claim and who is acting within the scope of the person's authority.

B. After-market part, for purposes of this regulation, means sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels, not made by the original equipment manufacturer.

(E) When the amount claimed is reduced because of betterment or depreciation, all information for the reduction shall be contained in the claim file. These reductions shall be itemized and *[shall be]* appropriate in amount.

(3) Standards for Prompt, Fair, and Equitable Settlements Applicable to Health Insurance.

(A) Precertification. An insurer may require that claimants for health insurance benefits have their course of treatment certified in advance of incurring the claim based upon the course of treatment, so long as the following *[requirements] conditions* are met:

1. The rules of the insurer for precertification *[must be] are*

fully disclosed to the covered person in advance of any incurred claim or course of treatment; and

2. Precertification determinations *[must be]* are made in a prompt, fair, and equitable manner.

(B) Denial of Precertified Claims.

1. No insurer may deny, in whole or in part, any claim for health insurance benefits if—

A. The claim is based upon a course of treatment which has been precertified; and

B. The claim denial is based upon one (1) or more of the following reasons:

(I) The claim or course of treatment was not medically necessary; or

(II) The claim or course of treatment was experimental.

2. The provisions of paragraph (3)(B)1. of this rule do not apply to any claim against an insurer which has a contract—

A. With the health care provider who provided the treatment upon which the claim is based; and

B. Which *[requires]* provides that the health care provider *[to]* will hold the insured harmless from the denial of the claim.

**AUTHORITY:** sections 374.045 and 375.1000–375.1018, RSMo 2016. This rule was previously filed as 4 CSR 190-10.060(6), (7), and (11). Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 100—Insurer Conduct**

#### **Chapter 1—Improper or Unfair Claims Settlement Practices**

### **PROPOSED AMENDMENT**

**20 CSR 100-1.070 Identification Cards Issued by Health Carriers.** The director is amending subsections (1)(B), (2)(A), (2)(B), (3)(B), and removing subsection (3)(C).

**PURPOSE:** This amendment clarifies and simplifies the language of the rule and removes unnecessary subsections.

(1) Applicability.

(B) The provisions of this rule *[shall]* do not apply to identification cards issued to individuals or groups that relate solely to the provision of prescription drug benefits.

(2) Definitions. As used in this section—

(A) “Health benefit plan” *[shall]* means health benefit plan as defined in section 376.1350(18), RSMo; and

(B) “Health carrier” *[shall]* means health carrier as defined in section 376.1350(22), RSMo.

(3) Identification Cards.

(B) *[Nothing shall prohibit the]* The issuer of a health benefit plan *[from using]* may use an identification card containing a magnetic strip or other technological component enabling the electronic transmission of information, provided that the information *[required]* in this section is printed on the card.

*[[C)] The requirements of this section shall apply as follows:*

1. Beginning on March 1, 2010, for all new health benefit plans issued on or after March 1, 2010; and

2. On the first plan anniversary after March 1, 2010, for all health benefit plans already in effect on March 1, 2010.]

**AUTHORITY:** sections 376.1007, 374.045, 376.383, and 376.384, [2000, Supp. 2008] RSMo 2016. Original rule filed Sept. 5, 2008, effective May 30, 2009. Amended: Filed December 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 100—Insurer Conduct**

#### **Chapter 1—Improper or Unfair Claims Settlement Practices**

### **PROPOSED RESCISSION**

**20 CSR 100-1.200 Claims Practices When Retrospective Premiums Paid.** This rule prohibited policyholders from settling their own losses.

**PURPOSE:** This rule is being rescinded as it is no longer necessary.

**AUTHORITY:** section 374.045, RSMo 2000 and section 375.445, RSMo Supp. 2007. This rule was previously filed as 4 CSR 190-10.055. Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Amended: Filed July 12, 2002, effective Jan. 30, 2003. Amended: Filed Nov. 1, 2007, effective July 30, 2008. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 100—Insurer Conduct**

**Chapter 1—Improper or Unfair Claims Settlement  
Practices**

**PROPOSED RESCISSION**

**20 CSR 100-1.300 Assignment of Benefits.** This rule implemented and interpreted the provisions of section 376.427, RSMo.

*PURPOSE: This rule is being rescinded as it is duplicative to provisions already contained in statutes.*

*AUTHORITY: sections 374.045 and 376.778, RSMo 1986 and 376.427, RSMo Supp. 1990. Original rule filed April 25, 1991, effective Sept. 30, 1991. Rescinded: Filed Dec. 13, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 100—Insurer Conduct**

**Chapter 2—Unfair Trade Practices**

**PROPOSED RESCISSION**

**20 CSR 100-2.100 Unfair Financial Planning Practices.** This rule defined in part false information and advertising under section 375.936(4).

*PURPOSE: This rule is being rescinded because it has been superseded by the provisions of section 375.936(12), RSMo.*

*AUTHORITY: section 374.045, RSMo 2000. This rule was previously filed as 4 CSR 190-10.120. Original rule filed Oct. 16, 1989, effective April 15, 1990. Amended: Filed Nov. 1, 2007, effective July 30, 2008. Rescinded: Filed Dec. 13, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the*

*aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 100—Insurer Conduct**

**Chapter 3—Fraudulent Insurance Claims and Acts**

**PROPOSED RESCISSION**

**20 CSR 100-3.100 Fraud Investigation Reports.** This rule set forth the forms to be used in reporting fraudulent insurance acts to the department.

*PURPOSE: This rule is being rescinded because the requirements are set forth in Section 375.992, RSMo.*

*AUTHORITY sections 374.045, 375.992, and 375.993, RSMo 2000 and sections 375.991 and 375.994, RSMo Supp. 2007. Original rule filed Sept. 15, 1992, effective June 7, 1993. Amended: Filed Nov. 1, 2007, effective July 30, 2008. Rescinded: Filed Dec. 13, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 100—Insurer Conduct**

**Chapter 4—General**

**PROPOSED RESCISSION**

**20 CSR 100-4.010 Definitions.** This rule set forth definitions used in this division to aid insurers, producers, the Consumer Affairs Division and the Insurance Market Regulation Division in the interpretation of various terms and phrases.

*PURPOSE: This rule is being rescinded because its provisions are being incorporated in 20 CSR 100-4.100.*

*AUTHORITY section 374.045, RSMo 2000. Original rule filed Nov.*

1, 2007, effective July 30, 2008. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 100—Insurer Conduct  
Chapter 4—General**

**PROPOSED RESCISSION**

**20 CSR 100-4.020 Adopting NAIC Handbooks and Standards.** This rule effecuated and aided in the interpretation of the laws of this state pertaining to the business of insurance, and the rules, regulations, standards and guidelines of the National Association of Insurance Commissioners.

**PURPOSE:** This rule is being rescinded as it is duplicative of statutory language and is no longer necessary.

**AUTHORITY** section 374.045, RSMo 2000. Original rule filed Nov. 1, 2007, effective July 30, 2008. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 100—Insurer Conduct  
Chapter 4—General**

**PROPOSED RESCISSION**

**20 CSR 100-4.030 Forms.** This rule prescribed the forms adopted and approved for filing with the department under this title.

**PURPOSE:** This rule is being rescinded as it is no longer needed.

**AUTHORITY** section 374.045, RSMo 2000. Original rule filed Nov. 1, 2007, effective July 30, 2008. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 100—Insurer Conduct  
Chapter 7—Market Conduct Analysis**

**PROPOSED AMENDMENT**

**20 CSR 100-7.002 Scope and Definitions.** The director is amending sections (1) and (2), adding new subsections (2)(H) and (2)(T), and deleting the original subsection (2)(T).

**PURPOSE:** This amendment clarifies and modernizes the rule by providing definitions for examination warrant and qualified contract examiner to aid in the interpretation of the rules in this chapter.

(1) Applicability of Rules. The rules in this chapter apply to insurers and other companies transacting business in the state and examiners, analysts, and other staff within the division engaged in market conduct actions, and [shall] be read together with Chapter 536, RSMo, sections 374.202 to 374.207, 374.185, and 374.190, RSMo.

(2) Definitions. As used in this chapter, the following terms [shall] mean:

(B) “Complaint,” [a written or documented oral communication, received by the department, primarily expressing a grievance, meaning an expression of dissatisfaction with a specific insurance company or producer] has the same meaning as in section 375.936(3), RSMo;

(C) “Comprehensive market conduct examination,” a full-scope examination that generally involves a review of the company’s operations/management, complaint handling, marketing and sales, advertising materials, licensing, policyholder service, underwriting and rating, [tier classifications,] nonforfeitures, policy forms and filings, [compliance procedures and policies,] claim handling, and other state-specific requirements;

(H) “Examination warrant,” a document issued by the director or the director’s designee appointing one (1) or more examiners to perform a market conduct examination and instructing them as to the scope of the examination;

[(H)](I) “Examiner,” any individual having been authorized by the director to conduct a market conduct examination under sections 374.202 to 374.207, RSMo;

[(I)](J) “Insurer,” any person as defined by section 374.202.2(5), RSMo;

[(J)](K) “Market analysis,” a process whereby market conduct

surveillance personnel collect and analyze information from filed schedules, surveys, *[required]* reports, and other sources in order to develop a baseline understanding of the marketplace and to identify patterns or practices of insurers or companies licensed to do business in this state that deviate significantly from the norm or that may pose a potential risk to insurance consumers;

*[(K)](L)* “Market conduct action,” any of the full range of activities that the director may initiate to assess **and address** the market and practices of individual insurers or companies, beginning with market analysis and extending to examinations. The director’s activities to resolve an individual consumer complaint or other reports of a specific instance of misconduct are not market conduct actions for the purposes of this chapter;

*[(L)](M)* “Market conduct examination,” the examination of the insurance operations of an insurer or company licensed to do business in this state in order to evaluate compliance with the applicable laws and regulations of this state. A market conduct examination may be either a comprehensive examination or a targeted examination. A market conduct examination conducted under sections 374.202 to 374.207, RSMo, is separate and distinct from a financial examination of an insurer, but may be conducted at the same time;

*[(M)](N)* “Market conduct surveillance personnel,” those individuals employed or contracted by the director to collect, analyze, review, examine, or act on information on the insurance marketplace, which identifies pattern or practices of insurers and other companies;

*[(N)](O)* “National Association of Insurance Commissioners” or “NAIC,” the organization of insurance regulators from the fifty (50) states, the District of Columbia, and the four (4) United States territories;

*[(O)](P)* “NAIC market conduct uniform examination procedures,” the set of guidelines developed and adopted by the NAIC designed to be used by market conduct surveillance personnel in conducting an examination;

*[(P)](Q)* “NAIC Market Regulation Handbook,” a handbook, developed and adopted by the NAIC, or successor product, which—

1. Outlines elements and objectives of market analysis and the process by which states can establish and implement market analysis programs; and

2. Establishes guidelines for market conduct surveillance personnel examination practices;

*[(Q)](R)* “NAIC standard data request,” the set of field names and descriptions developed and adopted by the NAIC for use by market conduct surveillance personnel in an examination;

*[(R)](S)* “On-site examination,” an examination conducted at the company’s home office or the location where the records under review are stored;

**(T) “Qualified contract examiner,” a person under contract to the department, who is qualified by education, experience, and, where applicable, professional designations, to perform market conduct actions; and**

*[(S)](U)* “Targeted examination,” a *[for cause review of] focused exam, based on the results of market analysis indicating the need to review* either a specific line of business or specific business practices, including, but not limited to, underwriting and rating, *[tier classification,]* marketing and sales, complaint handling, operations or management, advertising materials, licensing, policyholder services, *[non-forfeitures]* **nonforfeitures**, claims handling, policy forms and filings, or *[compliance procedures and policies]* **any other area of review in the NAIC Market Regulation Handbook**. A targeted examination may be conducted by desk examination or by an on-site examination*[/; and]*.

*[(T)]* “Warrant,” a written order of the director commanding the division to conduct a market conduct examination.]

**AUTHORITY:** sections 374.045, 374.185, 374.190, and 374.202–374.207, RSMo 2016. Original rule filed April 1, 2008, effective Nov. 30, 2008. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 100—Insurer Conduct Chapter 7—Market Conduct Analysis**

#### **PROPOSED AMENDMENT**

**20 CSR 100-7.005 Uniform Analysis and Continuum of Actions.** The director is amending sections (1), (2), (3), and (4), adding new sections (3), (6), and (7), and deleting subsections (1)(D) and (1)(E).

**PURPOSE:** This amendment clarifies and modernizes the rule by removing unnecessary language. This amendment also adds statutory references, clarifies actions that may be taken as a result of market analysis, and provides the insurer with the opportunity to resolve market conduct concerns through an informal conference.

(1) The *[director is responsible for market regulation of insurers for Missouri policyholder protection and shall utilize market conduct actions, including market analysis, investigations, desk examinations, targeted examinations, and comprehensive examinations of insurers. Such actions shall be pursued by the division in a manner consistent with the purposes of section 374.185, RSMo. In furtherance of such purposes and to provide uniform standards designed to avoid arbitrary or capricious use of discretion in issuing warrants for market conduct examinations, the]* division *[shall]* **will** apply the following standards in utilizing market analysis:

(A) The division *[shall]* **will** gather information from data currently available to the division*[/, as well as surveys and required reporting requirements, information collected by the National Association of Insurance Commissioners (NAIC) and a variety of other sources in both the public and private sectors, and information from within and outside the insurance industry from objective sources, information from web sites for insurers, agents, and other organizations, and information from other credible sources];*

(B) Such information *[shall]* **will** be analyzed in order to develop a baseline understanding of the marketplace and to identify for further review insurers or practices that deviate significantly from the norm or that may pose a potential risk to the insurance consumer; **and**

(C) The NAIC Market Regulation Handbook, and other handbooks adopted by the NAIC, *[shall]* **will** be used by the division as a guide in performing this analysis*[/;]*.

*[(D)]* The division shall identify key lines of business for systematic review; **and**

*[(E)]* The division shall identify companies for further analysis based on available information.]

(2) If the analysis supports further investigation or review by the

division into a particular insurer or practice, the following continuum of market conduct actions may be considered prior to *[requesting a warrant for] conducting an on-site examination*. These actions may include, but are not limited to the following:

(E) Interrogatories; *[and]*

(F) Review of insurer self-evaluation, if not subject to a privilege of confidentiality, and compliance programs, including membership in a best-practice organization~~./~~; *and*

(G) Desk examinations.

**(3) The director will select a market conduct action that is cost effective for the department and the insurer or company, while still protecting the insurance consumer.**

*[(3)](4)* Any such materials or documents reviewed by the division pursuant to section (2) of this rule *[shall be]* **are** confidential in accordance with the provisions of sections **374.071 and 374.205.4, RSMo.**

*[(4)](5)* The division *[shall]* **will** take those steps reasonably necessary to eliminate requests for information that duplicate information provided as part of an insurer's annual financial statement, the annual NAIC market conduct statement, or other *[required]* schedules, surveys, or reports regularly submitted to the director, unless the information is state specific.

**(6) Market conduct actions taken as a result of a market analysis will focus on the general business practices and compliance activities of insurers rather than identifying infrequent or unintentional random errors that do not cause significant consumer harm.**

**(7) The insurer may be given an opportunity to resolve matters that arise as a result of a market analysis to the satisfaction of the director before any additional market conduct actions are taken against the insurer.**

*AUTHORITY:* sections 374.045, 374.185, 374.190, and **374.202-374.207, RSMo 2016.** Original rule filed April 1, 2008, effective Nov. 30, 2008. Amended: Filed Dec. 13, 2018.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 100—Insurer Conduct  
Chapter 7—Market Conduct Analysis**

**PROPOSED RESCISSION**

**20 CSR 100-7.010 Standards of Analysis.** This rule set out the scope of the rules in this chapter and provided definitions to aid in

the interpretation of the rules in this chapter.

*PURPOSE:* This rule is being rescinded because it duplicates provisions in other regulations and in Section 374.205 RSMo.

*AUTHORITY* section 374.045, RSMo 2000. Original rule filed Nov. 1, 2007, effective July 30, 2008. Rescinded: Filed Dec. 13, 2018.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 100—Insurer Conduct  
Chapter 8—Market Conduct Examination**

**PROPOSED AMENDMENT**

**20 CSR 100-8.002 Scope and Definitions.** The director is amending section (1) and (2), adding new subsections (2)(C), (2)(I), and (2)(U), deleting subsection (2)(T), and renumbering as necessary.

*PURPOSE:* This amendment clarifies and modernizes the rule by providing definitions for confirmed complaint, examination warrant, and qualified contract examiner to aid in the interpretation of the rules in this chapter.

(1) Applicability of Rules. The rules in this chapter apply to insurers and other companies transacting business in the state and examiners, analysts, and other staff within the division engaged in market conduct actions, and *[shall]* **are to** be read together with Chapter 536, RSMo, and sections **374.202 to 374.207, RSMo.**

(2) Definitions. As used in this chapter, the following terms *[shall]* mean:

(B) "Complaint," *[a written or documented oral communication, received by the department, primarily expressing a grievance, meaning an expression of dissatisfaction with a specific insurance company or producer]* **has the same meaning as in section 375.936(3), RSMo;**

(C) "Confirmed Complaint," **a complaint in which the state department of insurance determines:**

1. The insurer, licensee, producer, or other regulated entity committed any violation of:

A. An applicable state insurance law or regulation;

B. A federal requirement that the state department of insurance has the authority to enforce; or

C. The term/condition of an insurance policy or certificate; or

2. The complaint and entity's response, considered together, indicate that the entity was in error;

*[(C)](D)* "Comprehensive market conduct examination," a full-scope examination that generally involves a review of the company's operations/management, complaint handling, marketing and sales,



advertising materials, licensing, policyholder service, underwriting and rating, *[tier classifications]*, nonforfeitures, policy forms and filings, *[compliance procedures and policies]*, claim handling, and other state-specific requirements;

*[(D)](E)* “Department,” the Department of Insurance, Financial Institutions and Professional Registration;

*[(E)](F)* “Desk examination,” an examination that is conducted by an examiner at a location other than the company’s premises. A desk examination is usually performed at the department’s offices with the insurer providing requested documents by hard copy, microfiche, discs, or other electronic media, for review;

*[(F)](G)* “Director,” the director of the Department of Insurance, Financial Institutions and Professional Registration;

*[(G)](H)* “Division,” the Division of Insurance Market Regulation;

*(I)* “Examination warrant,” a document issued by the director or the director’s designee appointing one (1) or more examiners to perform a market conduct examination and instructing them as to the scope of the examination;

*[(H)](J)* “Examiner,” any individual having been authorized by the director to conduct a market conduct examination under sections 374.202 to 374.207, RSMo;

*[(I)](K)* “Insurer,” any person as defined by section 374.202.2(5), RSMo;

*[(J)](L)* “Market analysis,” a process whereby market conduct surveillance personnel collect and analyze information from filed schedules, surveys, *[required]* reports, and other sources in order to develop a baseline understanding of the marketplace and to identify patterns or practices of insurers or companies licensed to do business in this state that deviate significantly from the norm or that may pose a potential risk to insurance consumers;

*[(K)](M)* “Market conduct action,” any of the full range of activities that the director may initiate to assess **and address** the market and practices of individual insurers or companies, beginning with market analysis and extending to examinations. The director’s activities to resolve an individual consumer complaint or other reports of a specific instance of misconduct are not market conduct actions for the purposes of this chapter;

*[(L)](N)* “Market conduct examination,” the examination of the insurance operations of an insurer or company licensed to do business in this state in order to evaluate compliance with the applicable laws and regulations of this state. A market conduct examination may be either a comprehensive examination or a targeted examination. A market conduct examination conducted under sections 374.202 to 374.207, RSMo, is separate and distinct from a financial examination of an insurer, but may be conducted at the same time;

*[(M)](O)* “Market conduct surveillance personnel,” those individuals employed or contracted by the director to collect, analyze, review, examine, or act on information on the insurance marketplace, which identifies pattern or practices of insurers and other companies;

*[(N)](P)* “National Association of Insurance Commissioners” or “NAIC,” the organization of insurance regulators from the fifty (50) states, the District of Columbia, and the four (4) United States territories;

*[(O)](Q)* “NAIC market conduct uniform examination procedures,” the set of guidelines developed and adopted by the NAIC designed to be used by market conduct surveillance personnel in conducting an examination;

*[(P)](R)* “NAIC Market Regulation Handbook,” a handbook, developed and adopted by the NAIC, or successor product, which—

1. Outlines elements and objectives of market analysis and the process by which states can establish and implement market analysis programs; and

2. Establishes guidelines for market conduct surveillance personnel examination practices.

*[(Q)](S)* “NAIC standard data request,” the set of field names and descriptions developed and adopted by the NAIC for use by market conduct surveillance personnel in an examination;

*[(R)](T)* “On-site examination,” an examination conducted at the

company’s home office or the location where the records under review are stored;

*(U)* “Qualified contract examiner,” a person under contract to the department, who is qualified by education, experience, and, where applicable, professional designations, to perform market conduct actions; and

*[(S)](V)* “Targeted examination,” a *[for cause review of]* **focused exam, based on the results of market analysis indicating the need to review** either a specific line of business or specific business practices, including, but not limited to, underwriting and rating, *[tier classification]*, marketing and sales, complaint handling, operations or management, advertising materials, licensing, policyholder services, *[non-forfeitures]* **nonforfeitures**, claims handling, policy forms and filings, or *[compliance procedures and policies]* **any other area of review in the NAIC Market Regulation Handbook**. A targeted examination may be conducted by desk examination or by an on-site examination; *and*/.  
*[(T)* “Warrant,” a written order of the director commanding the division to conduct a market conduct examination.]

*AUTHORITY:* sections 374.045, 374.185, and 374.202–374.207, RSMo 2016. Original rule filed April 1, 2008, effective Nov. 30, 2008. Amended: Filed Dec. 13, 2018.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 100—Insurer Conduct Chapter 8—Market Conduct Examination**

#### **PROPOSED AMENDMENT**

**20 CSR 100-8.005 Examination Warrants.** The director is amending the purpose statement, sections (1), (2), and (3), adding a new paragraph (2)(E)4., and deleting section (4).

*PURPOSE:* This amendment clarifies the rule by detailing with greater specificity the contents of an examination warrant.

*PURPOSE:* This rule implements the purposes of section 374.185, RSMo, and establishes uniform standards for the director in applying the discretion authorized in issuing **examination warrants for market conduct examinations pursuant to sections 374.202 to 374.207, RSMo**.

(1) The director is responsible for market regulation of insurers for Missouri policyholder protection and *[shall]* **will** utilize market conduct actions, including market analysis, investigation, desk examinations, targeted examinations, and comprehensive examinations of insurers or other companies. Such actions *[shall]* **will** be pursued by the division in a manner consistent with the purposes of section 374.185, RSMo.

(2) A market conduct examination *[shall]* **will** be conducted only upon the issuance of an **examination** warrant by the director or with the written consent of the insurer or company. In furtherance of the purposes of section 374.185, RSMo, and to provide uniform standards designed to avoid arbitrary or capricious use of discretion in issuing examination warrants for market conduct examinations, the director *[shall]* **will** apply the following standards in evaluating factual support for a market conduct examination warrant:

(A) A request for an examination warrant need not be verified by oath, but *[must]* will contain the signature of the chief market conduct examiner, and *[shall]* state facts sufficient to support the director's reasonable belief of cause as set forth *[below]* in subsection (2)(B);

(B) The director may issue an **examination** warrant for—

1. A desk examination, if the director has reason to believe—

A. An insurer or other company may have engaged in, or taken a substantial step toward engaging in, or may have materially aided any other person in engaging in, any practice or course of business in violation of Chapter 287, Chapter 354, or Chapters 374 to 385, RSMo, or any rule adopted pursuant thereto, and the examination is reasonably calculated to provide data or other information relevant to this inquiry;

B. Significant changes have occurred in an insurer's or other company's market share during the last year for which an insurer cannot provide a satisfactory explanation;

C. Significant market changes threaten the availability or affordability of insurance coverage; or

D. An examination is required to be performed by law;

2. An on-site examination, if the director has reason to believe—

A. An insurer or other company has engaged in, is engaging in, has taken a substantial step toward engaging in, or has materially aided any other person in engaging in any practice or course of business in violation of Chapter 287, Chapter 354, or Chapters 374 to 385, RSMo, or any rule adopted pursuant thereto;

B. Significant market changes threaten the availability or affordability of insurance coverage; or

C. An examination is required to be performed by law;

(C) The evidence indicating that an insurer or other company has engaged in, is engaging in, has taken a substantial step toward engaging in, or has materially aided any other person in engaging in any practice or course of business in violation of Chapter 287, Chapter 354, or Chapters 374 to 385, RSMo, or any rule adopted pursuant thereto, *[shall]* **will** be derived from the following sources:

1. Information obtained from a market conduct annual statement, market survey, or report of financial examination;

2. *[A number of]* **Confirmed** complaint(s) against the company indicating a particular practice or a complaint ratio that deviates significantly from the norm *[(a complaint ratio shall be established for each line of business)]*;

3. Information obtained from other objective sources; or

4. Information obtained from any credible source with direct access to relevant information;

(D) *[The scope of a warrant shall be reasonably limited by the cause supporting the issuance of the warrant. If additional cause is discovered, and the examiner seeks to expand the scope of the warrant, a request must be made to modify or expand the previously issued warrant or a new warrant must be issued by the director; and]* An **examination** warrant will be reasonably limited in scope to the specific line(s) of business, the specific business practice(s), and the time period to be examined, as identified in the examination warrant. If additional cause is discovered, which leads the examiner to believe additional lines of business, additional business practices, or additional time periods need to be examined, or if the examiner believes a different method of examination needs to be employed, a request to modify or expand the previously issued examination warrant or for a new examination warrant will be made to the director who may issue a new or modified warrant. The identification of

**additional laws violated does not necessitate a request to modify or expand a previously issued warrant; and**

(E) An examination warrant *[shall]* **will**—

1. Be in writing and in the name of the department;

2. Be directed to the division;

3. Identify the scope of the examination by describing the specific line(s) of business *[or]*, the specific business practice(s) to be examined *[and a reasonable estimate of the duration of the examination]*, and the time period to be reviewed during the examination;

4. Identify the law(s) the director reasonably believes were violated and the cause that supports the director's determination to issue the examination warrant. The division is not precluded from pursuing or citing to other violations of law through the course of an examination that are not specified under the originally issued warrant. In identifying the cause, the examination warrant need only indicate a general category(ies) of information relied upon, including, but not limited to, complaint(s), complaint indices, market conduct annual statement(s), market share(s), financial examination(s), information from other states, legal referral(s), premium shift in line(s) of business, statistical information, market conduct examination results, new operation(s), reexamination(s), and/or evaluation(s) of new laws;

*[4.]5.* Identify whether the examination will be conducted as a desk examination, an on-site examination, or both; and

*[5.]6.* Be signed by the director.

(3) An **examination** warrant *[shall]* **will** be served on the insurer or other company prior to commencing the market conduct examination.

(4) *[The warrant authorizes one (1) or more examiners designated by the director to perform the examination and shall instruct them as to the scope of the examination.]* In conducting the examination, the examiner *[shall]* **will** observe those guidelines and procedures set forth in the Market Regulation Handbook adopted by the National Association of Insurance Commissioners (NAIC). *[The division may also employ such other guidelines or procedures as the director may deem appropriate not inconsistent with the provisions of this chapter.]*

**AUTHORITY:** sections 374.045, 374.185, and 374.202–374.207, RSMo 2016. Original rule filed April 1, 2008, effective Nov. 30, 2008. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 100—Insurer Conduct Chapter 8—Market Conduct Examination

#### PROPOSED AMENDMENT

20 CSR 100-8.008 Hearing on *Examination Warrants*. The director

is amending the rule title, purpose statement, and sections (1) and (2).

**PURPOSE:** *This amendment clarifies the rule by correctly referencing statutory authority, expands the grounds upon which an insurer may challenge an examination warrant, and provides that a reviewing court may stay the execution of an examination warrant upon judicial appeal of an administrative ruling affirming the issuance of an examination warrant.*

**PURPOSE:** *This rule [implements the purposes of section 374.055, RSMo, and] establishes procedures for a hearing conducted to review cause to issue a market conduct examination warrant pursuant to sections 374.202 to 374.207, RSMo.*

(1) Any insurer or other company served with an **examination** warrant may request a hearing before the director within fifteen (15) days of the date of service of the **examination** warrant. If a hearing is requested, the director *[shall]* **will** schedule an expedited hearing within twenty (20) days of the request to review whether the *[division established]* **director a) had a reasonable belief** of cause to issue the **examination** warrant; or **b) had a reasonable belief supporting the time period set forth in the examination warrant, if longer than three (3) years.** The director may issue orders necessary to protect the identity of a confidential source. The director may vacate, set aside, modify, or affirm the **examination** warrant.

(2) If the director fails to make a final determination within twenty (20) days of the hearing, the **examination** warrant is deemed affirmed and may be executed, and the administrative determination is final for purposes of review. Any final determination of the director is subject to judicial review *[under section 374.055, RSMo, Chapter 536, RSMo, and 20 CSR 800-1.100]* pursuant to **section 536.100, RSMo**, but during the pendency of judicial review, the execution of the **examination** warrant shall not be delayed and is enforceable *[as provided by law]*, **unless stayed by a reviewing court pursuant to section 536.120, RSMo.**

**AUTHORITY:** *sections 374.045, 374.205, and 374.207, RSMo [2000] 2016 [and section 374.055, RSMo Supp. 2007]. Original rule filed April 1, 2008, effective Nov. 30, 2008. Amended: Filed Dec. 13, 2018.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 100—Insurer Conduct  
Chapter 8—Market Conduct Examination**

**PROPOSED RESCISSION**

**20 CSR 100-8.010 Standards of Examinations.** This rule set out the scope of the rules in this chapter and provided definitions to aid

in the interpretation of the rules in this chapter.

**PURPOSE:** *This rule is being rescinded because it duplicates provisions in other regulations and in Section 374.205 RSMo.*

**AUTHORITY** *section 374.045, RSMo 2000. Original rule filed Nov. 1, 2007, effective July 30, 2008. Rescinded: Filed Dec. 13, 2018.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 100—Insurer Conduct  
Chapter 8—Market Conduct Examination**

**PROPOSED RESCISSION**

**20 CSR 100-8.012 Timing of Examinations.** This rule implemented the purposes of section 374.185, RSMo, and established uniform standards for the timing of market conduct examinations pursuant to sections 374.202 to 374.207, RSMo.

**PURPOSE:** *This rule is being rescinded because its provisions have been incorporated in other rules and because some of its provisions are duplicative of Section 374.205 RSMo.*

**AUTHORITY** *sections 374.045 and 374.205, RSMo 2000 and section 374.185, RSMo Supp. 2007. Original rule filed April 1, 2008, effective Nov. 30, 2008. Rescinded: Filed Dec. 13, 2018.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 100—Insurer Conduct  
Chapter 8—Market Conduct Examination**

**PROPOSED AMENDMENT**

**20 CSR 100-8.014 Collaborative Actions.** The director is amending sections (1), (2), (3), and (4), subsections (1)(A), (1)(B), (1)(C), and paragraphs (1)(B)2. and (1)(B)3.

*PURPOSE: This amendment clarifies and simplifies the language.*

(1) To provide uniform standards designed to avoid arbitrary or capricious use of discretion in issuing warrants for market conduct examinations, the director *[shall]* will apply the following standards in evaluating factual support for a warrant when another jurisdiction is considering conducting a market conduct examination or has issued a market conduct report for an examination that has been conducted within the last three (3) years:

(A) In lieu of issuing an **examination** warrant for a market conduct examination, the director may delegate responsibility for conducting an examination of a domestic company, foreign company, or an affiliate of a company to the insurance commissioner of another jurisdiction if that insurance commissioner agrees to accept the delegated responsibility for the examination, and the domestic company, foreign company, or affiliate has a significant number of policies or significant premium volume in that jurisdiction. If the director elects to delegate responsibility for examining a company, the division *[shall]* will accept a report of the examination prepared by the insurance commissioner to whom the responsibility has been delegated;

(B) In lieu of requesting an **examination** warrant by the director and conducting a market conduct examination of a company, the division *[shall]* will accept a report of a market conduct examination on such company prepared by the insurance commissioner of the company's jurisdiction or state of domicile or another jurisdiction state if the director has determined—

1. The laws of that jurisdiction applicable to the subject of the examination are substantially similar to those of this state;

2. The examining jurisdiction has a market conduct analysis and examination system comparable to the system *[required]* set forth under Chapter 7 of this division; and

3. The examination from the other jurisdiction's commissioner has been conducted within the past three (3) years; and

(C) Notwithstanding the above provisions, if the insurance commissioner to whom the examination responsibility was delegated, or the report of a market conduct examination prepared by the insurance commissioner of another jurisdiction, did not evaluate the specific area or issue of concern to the director or a specific requirement of Missouri law, the director may issue an **examination** warrant for a targeted examination to evaluate that specific area or issue of concern.

(2) Subject to a determination under this rule, if a market conduct examination conducted by another jurisdiction results in *[a finding that an insurer or other company should modify]* modification of a specific practice or procedure, the director *[shall]* will accept documentation that the company has made a similar modification in this state, in lieu of initiating a market conduct action or examination related to that practice or procedure. In order to protect the interests of consumers, policyholders, and claimants of this state, the director may initiate such other enforcement action as is necessary to assure compliance with the laws and regulations of this state. The director may require other or additional practice or procedure modifications as are necessary to achieve compliance with specific state laws or regulations, which differ substantially from those of the examining jurisdiction.

(3) If at any time prior to or during an examination it is brought to the attention of the examiner-in-charge that the insurer or other company has modified such practice or procedure as a result of a market conduct action taken by the commissioner of another jurisdiction, the examiner-in-charge *[shall]* will accept documentation that the company has satisfactorily modified the practice or procedure and made similar modification to such practice or procedure in this state. In

order to protect the interests of consumers, policyholders, and claimants of this state, the director may initiate such other enforcement action as is necessary to assure compliance with the laws and regulations of this state.

(4) If the insurer or other company to be examined is not a domestic company, the director, upon issuance of an examination warrant, *[shall]* will communicate with and may coordinate the examination with the insurance commissioner of the jurisdiction or state in which the company is domiciled.

*AUTHORITY: sections 374.045, 374.185, 374.205, and 374.207, RSMo [2000 and Supp. 2007] 2016. Original rule filed April 1, 2008, effective Nov. 30, 2008. Amended: Filed Dec. 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 100—Insurer Conduct Chapter 8—Market Conduct Examination

### PROPOSED AMENDMENT

**20 CSR 100-8.015 Notice of Examination.** The director is amending the purpose statement and section (2), deleting section (1) and subsections (1)(A), (1)(B), (1)(C), (1)(D), (1)(E), (1)(F), (1)(G), and (1)(H), and adding new sections (1), (2), (3), and subsections (2)(A), (2)(B), (2)(C), (2)(D), (2)(E), (2)(F), (2)(G), and (2)(H).

*PURPOSE: This amendment restructures the rule adding clarity and simplicity to information provided to an insurance company subject to a market conduct examination warrant.*

*PURPOSE: This rule implements the purposes of section 374.185, RSMo, and establishes uniform standards for providing notice of a[n on-site] market conduct examination to the insurer and reporting the examination warrant to the National Association of Insurance Commissioners (NAIC)[, along with a procedure for encouraging resolution prior to incurring unnecessary examination expenses].*

*[(1) The director shall announce to the applicable company an examination and shall post an announcement of such examination on the National association of Insurance Commissioners (NAIC's) examination tracking system, or comparable NAIC product, as determined by the director, subject to the NAIC's technological constraints, as soon as possible, but in no case later than sixty (60) days before the estimated commencement of the examination. The director may reduce the sixty (60)-day notice if the director has determined that the company has engaged in or is engaging in any practice or course of business in violation of Chapter*

287, Chapter 354, or Chapters 374 to 385, RSMo, and the sixty (60)-day notice would result in continuing injury to consumers. In the event that the notice period is reduced to less than sixty (60) days, the company is entitled to an expedited hearing as allowed by 20 CSR 100-8.008. A warrant issued under 20 CSR 100-8.005 may be incorporated to provide some of the information required in this notice, but such announcement shall contain—

(A) The name and address of the insurer or company being examined;

(B) The name and contact information of the audit manager;

(C) The reason for and the scope of the examination;

(D) The date the examination is scheduled to begin;

(E) Identification of any personnel not employed by the department who will assist in the examination, if known at the time the notice is prepared;

(F) A time estimate for the examination;

(G) A budget and work plan for the examination and identification of reasonable and necessary costs and fees that will be included in the bill, if the cost of the examination is billed to the insurer company; and

(H) A request for the insurer company to name its examination coordinator.]

(1) The notice of examination and the examination warrant issued under 20 CSR 100-8.005 will be provided to the insurer at least sixty (60) days before the estimated commencement of the examination. The director may reduce the sixty (60) day notice if the director has determined that the company has engaged in or is engaging in any practice or course of business in violation of Chapter 287, Chapter 354, or Chapters 374 to 385, RSMo, and the sixty (60) day notice would result in continuing injury to consumers. In the event that the notice period is reduced to less than sixty (60) days, the company is entitled to an expedited hearing as allowed by 20 CSR 100-8.008.

(2) The notice of examination will contain—

(A) The name and address of the insurer or company being examined;

(B) The name and contact information of the audit manager;

(C) The reason for and the scope of the examination;

(D) The date the examination is scheduled to begin;

(E) Identification of any personnel not employed by the department who will assist in the examination, if known at the time the notice is prepared;

(F) A time estimate for the examination;

(G) A budget and work plan for the examination and identification of reasonable and necessary costs and fees that will be included in the bill, if the cost of the examination is billed to the insurer company; and

(H) A request for the insurer company to name its examination coordinator.

(3) The director will post the notice of such examination on the NAIC's Market Actions Tracking System, or successor NAIC system.

[(2)](4) [The company shall be notified of any practice or procedure which is to be the subject of an examination warrant.] Prior to commencing any examination, the company shall be given an opportunity to resolve such matters that arise as a result of a market analysis to the satisfaction of the director through informal resolution, settlement agreement, curative order, or other formal resolution under sections 374.046 to 374.049, RSMo.

**AUTHORITY:** sections 374.045, 374.185, 374.205, and 374.207, RSMo [2000 and Supp. 2007] 2016. Original rule filed April 1,

2008, effective Nov. 30, 2008. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 100—Insurer Conduct Chapter 8—Market Conduct Examination**

#### **PROPOSED AMENDMENT**

**20 CSR 100-8.018 Post-Examination Procedure.** The director is amending sections (1), (2), and (3), subsections (1)(A), (1)(B), (1)(C), (1)(D), (1)(E), (1)(F), and (1)(G), and deleting section (4), subsection (1)(B), and paragraphs (1)(G)1., (1)(G)2., and (1)(G)3..

**PURPOSE:** This amendment updates obsolete language and clarifies standards for completion of the examination, final report, and investigatory hearings.

(1) The post-examination procedure *[shall]* will be conducted in a manner consistent with the purposes of section 374.185, RSMo. In accordance with the National Association of Insurance Commissioners (NAIC) market conduct uniform examination procedures and section 374.205, RSMo, the director *[shall require]* will adhere to the following timelines and procedures following the completion of an examination, **unless the division and the company mutually agree to modify the timeline:**

(A) No later than sixty (60) days following completion of the examination, the examiner-in-charge or audit manager *[shall]* will file with the department a verified draft report of examination under oath. **Completion of the examination will be defined as the date the examiner-in-charge signs and submits the draft report to the audit manager for approval and signature;**

(B) Within ten (10) days of receipt of the verified draft report, the *[department shall]* **division will** send the draft report via certified mail to the company together with a notice which *[shall]* affords the company examined a reasonable opportunity to respond with written comments or make a written submission or rebuttal with respect to any matter contained in the examination report;

*[(B) Completion of the examination shall be defined as the date the examiner-in-charge signs and submits the draft report to the audit manager for approval and signature;]*

(C) The company is not obligated to submit written comments, submissions, or rebuttals to the draft report as allowed in subsection (1)(A)/(B) of this rule. However, if the company chooses to do so, its *[shall respond with]* written *[comments]* **response is due** within thirty (30) days of receipt of the draft report, unless a mutual agreement is reached with the *[department]* **division** to extend the deadline;

(D) The division *[shall]* will make a good faith effort to **informally** resolve issues and prepare a final report *[within thirty (30) days]*

of] after receipt of the company's written comments, submissions, or rebuttals, unless a mutual agreement is reached to extend the deadline];

(E) The division may modify the examination findings and finalize the report, as appropriate. Upon determination that the report is final, the division [shall] will forward a copy of the final report to the company along with a notice apprising the company of its rights under subsection (1)(F), below;

(F) The company [shall] may, within thirty (30) days of receipt of the final report, accept the final report, accept the findings of the report, file written comments, or petition the director to modify the findings with a written request for a confidential investigatory hearing pursuant to section 374.205.3(3)(c). The company is not obligated to submit a response to the final report. The director may allow an additional thirty (30) days if requested by the company. [Any petition to modify the findings with] If the company submits a written request for a hearing [request shall be made in writing] within the time allowed, [and] a hearing [shall] will be held in accordance with the process in section 374.205.3(4), RSMo. [After a hearing the director shall issue final examination findings] Within twenty (20) days of the conclusion of the hearing, the director will issue an order pursuant to section 374.205.3(3)(a), RSMo; and

(G) If a hearing pursuant to subsection (1)(F) above is not requested, [W]within thirty (30) days of the end of the period allowed for the receipt of an acceptance or comments by the company [or following a hearing], the director [shall] will fully consider and review the report, together with any written comments, [and] any relevant portions of the examiner's work papers, and any proposed settlement, and enter an order[:] pursuant to section 374.205.3(3)(a), (b) or (d).

[1. Accepting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, regulation, or prior order of the director, the director may issue an order for any legal or regulatory action as the director deems appropriate, provided that this order shall be a confidential internal order directing the department to take certain action, or the company and the division may negotiate a consent order, curative order, or settlement agreement. Any such order or agreement shall be final once issued or approved by the director;

2. Rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional documents, data, information, and requiring the submission of either a new report or a supplemental report; or

3. For an investigatory hearing with no less than twenty (20) days' notice to the company for purposes of obtaining additional documents, data, information, and testimony.]

(2) [Once all administrative proceedings regarding the examination pursuant to subsections (1)(F) and (1)(G) are final] Ten (10) days after adoption of the final examination report pursuant to section 374.205.3(3)(a), the department [shall] will make available written and electronic versions of the final report. Both versions of the final report [shall] will include [the company's] any written response of the company, [if any] at its option, and any negotiated text of the examination report and the concluding document, whether that is an administrative order of the director, curative order of the director, or a stipulation of settlement and order.

(3) All orders entered pursuant to section 374.205.3(3)(a) under subsections (1)(F) or (1)(G) [shall] will be accompanied by findings and conclusions resulting from the director's consideration and review of the examination report, relevant examiner work papers, and any written submissions, rebuttals, or comments, if any submitted by the company. [A finding] Any order issued pursuant to section 374.205.3(3)(b), (c), or (d) under subsections (1)(F) or (1)(G)

[shall] will not be considered a final order. Any order issued pursuant to section 374.205.3(3)(a) under [paragraph] subsections (1)(F) or (1)(G)[1. shall] will be considered a final administrative decision and may be appealed pursuant to section [374.055] 536.150, RSMo, [Chapter 536, RSMo, and 20 CSR 800-1.100] and [shall] will be served upon the company by certified mail, together with a copy of the final examination report. [Within thirty (30) days of the issuance of the final findings, as outlined in subsection (1)(G), the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the final report and related orders.]

[(4) In conducting an investigatory hearing pursuant to paragraph (1)(G)3. —

(A) The hearing shall proceed expeditiously with discovery by the company limited to the examiner's work papers which tend to substantiate any assertions set forth in any written submission or rebuttal.

(B) The director may issue subpoenas for the attendance of any witnesses or the production of any documents deemed relevant to the investigation whether under the control of the department, the company, or other persons. The documents produced shall be included in the record, and testimony taken by the director shall be under oath and preserved for the record.

(C) The provisions of this section shall not require the director to disclose any information or records which would indicate or show the existence of any investigation or activity of a criminal justice agency.

(D) The division shall proceed with evidence, including representatives of the company. Thereafter, the company may present testimony relevant to the investigation.

(E) The company and the division shall be permitted to make closing statements.]

**AUTHORITY:** sections 374.045, 374.185, 374.205, and 374.207, RSMo [2000 and Supp. 2007] 2016. Original rule filed April 1, 2008, effective Nov. 30, 2008. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 100—Insurer Conduct Chapter 8—Market Conduct Examination

### PROPOSED RESCISSION

**20 CSR 100-8.020 Sampling and Error Rates.** This rule effectuated and aided in the interpretation of sections 375.1007, 375.445 and 375.936(6), RSMo regarding detection of frequency to indicate a business practice under the Unfair Claims Settlement Practices Act or conducting business fraudulently, not in good faith or in a manner constituting misrepresentations or false advertising.

**PURPOSE:** This rule is being rescinded because it is outdated and unnecessary in that it is duplicative of provisions contained in other rules and statutes.

**AUTHORITY** sections 374.045, 375.948 and 375.1018, RSMo 2000. Original rule filed Nov. 1, 2007, effective July 30, 2008. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 200—Insurance Solvency and Company  
Regulation**

**Chapter 10—Managing General Agent (MGA)**

**PROPOSED AMENDMENT**

**20 CSR 200-10.100 [Who Must File] MGA Filing Requirements.** The director is amending sections (1)-(2), amending the rule title, and amending the purpose statement.

**PURPOSE OF AMENDMENT:** This amendment clarifies the rule and removes duplicative language.

**PURPOSE:** This rule implements and administers sections 375.147–375.153, RSMo regarding [who must file] MGA filing requirements.

(1) **[Who Must File] Insurer Filings.** An insurer must file the documents [required] listed under 20 CSR 200-10.200 for appointment of a managing general agent (MGA), if the insurer is—

(A) A foreign insurer holding a certificate of authority to transact insurance business in this state and has any person, firm, association, or corporation who with respect to any risk or risks located in this state produces, directly or indirectly, and underwrites an amount of gross premium equal to or more than five percent (5%) of the policyholder surplus as reported in any one (1) quarter or year together with one (1) or both of the following:

1. Adjusts or pays claims in excess of one thousand dollars (\$1,000) per claim or five percent (5%) of the insurer's policyholders' surplus in the aggregate per year; or

2. Negotiates reinsurance on behalf of the insurer; or

(B) Domiciled in this state and has any person, firm, association, or corporation who produces, directly or indirectly, and underwrites an amount of gross premium equal to more than five percent (5%) of the policyholders' surplus as reported in any one (1) quarter or year together with one (1) or both of the following:

1. Adjusts or pays claims in excess of one thousand dollars (\$1,000) per claim or five percent (5%) of the insurer's policyholders' surplus in the aggregate per year; or

2. Negotiates reinsurance on behalf of the insurer.

(2) Exceptions. *[Notwithstanding the provisions of section (1)*

*of this rule, no insurer need file for appointment as an MGA any of the following persons:*

(A) An employee of the insurer;

(B) A manager of the United States branch of an alien insurer;

(C) An underwriting manager which, pursuant to contract, manages all the insurance operations of the insurer, is under common control with the insurer and has its transactions with the insurer subject to the provisions of Chapter 382, RSMo;

(D) A person acting solely as a third-party administrator and who is registered under section 375.925, RSMo; and

(E) The authorized attorney-in-fact acting on behalf of subscribers of a reciprocal or interinsurance exchange.] The exceptions provided under the definition of “managing general agent” in section 375.147, RSMo apply to this rule.

**AUTHORITY:** sections 374.045 and 375.153, RSMo [2000] 2016. This rule was previously filed as 4 CSR 190-11.340(1) and (2). Original rule filed Jan. 22, 1991, effective July 8, 1991. Amended: Filed June 16, 1992, effective Feb. 26, 1993. Amended: Filed Aug. 29, 2003, effective Feb. 29, 2004. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 200—Insurance Solvency and Company  
Regulation**

**Chapter 10—Managing General Agent (MGA)**

**PROPOSED AMENDMENT**

**20 CSR 200-10.300 [What Must Be Certified and Filed Annually] Annual Certification and Filing.** The director is amending section (1), amending the rule title, and amending the purpose statement.

**PURPOSE OF AMENDMENT:** This amendment clarifies the rule, creates an alternative to the annual CPA audit, and removes a reference to 20 CSR 200-10.500 that will no longer be accurate when Form MGA-3 is removed from that rule.

**PURPOSE:** This rule implements and administers sections 375.147–375.153, RSMo regarding [what must be certified and filed annually] annual certification and filing.

(1) **[What Must Be Certified and Filed Annually] Annual Certification and Filing.** Each insurer which has appointed a managing general agent (MGA) annually each January 1 shall—

(A) Certify the existence or performance of the continued obligations imposed by section 375.150, RSMo by filing for each appointed MGA a completed certification on Form MGA-3 [(see 20 CSR



200-10.500)); and

(B) File a copy of the report of the most recent annual independent financial examination of the MGA, which may be satisfied by either an audit by a certified public accountant, or in some other form approved by the director. *[The independent financial examination shall be an audit by a certified public accountant.]*

*AUTHORITY:* sections 374.045[, RSMo 1986] and 375.153, RSMo [Supp. 1990] 2016. This rule was previously filed as 4 CSR 190-II.340(4). Original rule filed Jan. 22, 1991, effective July 8, 1991. Amended: Filed Dec. 13, 2018.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 200—Insurance Solvency and Company Regulation Chapter 10—Managing General Agent (MGA)**

#### **PROPOSED AMENDMENT**

**20 CSR 200-10.400 Termination of Appointment.** The director is amending the rule.

*PURPOSE:* This amendment removes a reference to 20 CSR 200-10.500 that will no longer be accurate when Form MGA-4 is removed from that rule.

Termination of Appointment. Within thirty (30) days after the termination of appointment of a managing general agent (MGA), an insurer shall complete and file Form MGA-4 *[(see 20 CSR 200-10.500)]*.

*AUTHORITY:* sections 374.045[, RSMo 1986] and 375.153, RSMo [Supp. 1990] 2016. This rule was previously filed as 4 CSR 190-II.340(5). Original rule filed Jan. 22, 1991, effective July 8, 1991. Amended: Filed Dec. 13, 2018.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 200—Insurance Solvency and Company Regulation Chapter 10—Managing General Agent (MGA)**

#### **PROPOSED AMENDMENT**

**20 CSR 200-10.500 Forms [and Fees].** The director is amending section (1), deleting section (2), amending the rule title, amending the purpose statement, and deleting the four (4) forms which follow the rule in the *Code of State Regulations*.

*PURPOSE:* This amendment modernizes the rule, removes outdated forms, and removes language that conflicts with statutory requirements.

*PURPOSE:* This rule implements and administers sections 375.147–375.153, RSMo regarding forms [and fees].

(1) The forms *[referred to]* referenced in this chapter may be obtained from the *[Department of Insurance]* department's website or by contacting the department, and may be freely copied.

*[(2) Fees. Documents filed pursuant to this chapter shall be accompanied by the fee set forth in section 374.230(6), RSMo. This fee will be charged for the filing of the appointment form (MGA-1) and the certification form (MGA-3). This fee will not be charged for the filing of the other forms.]*

*AUTHORITY:* sections 374.045[, RSMo Supp. 1998] and 375.153, RSMo [1994] 2016. This rule was previously filed as 4 CSR 190-II.340(6). Original rule filed Jan. 22, 1991, effective July 8, 1991. Amended: Filed April 23, 1999, effective Nov. 30, 1999. Amended: Filed Dec. 13, 2018.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 200—Insurance Solvency and Company Regulation Chapter 11—Control and Management of Insurance Companies**

#### **PROPOSED AMENDMENT**

**20 CSR 200-11.120 Material Transactions Between Affiliates Under Section [382.050.1(5)] 382.195.1(7), RSMo.** The director is amending sections (1), (2), and (4), and creating a new section (3), renumbering as necessary, amending the rule title, and amending the purpose statement.



**PURPOSE:** This amendment corrects an error in the rule title, modernizes the rule, and removes unnecessary language.

**PURPOSE:** This rule specifies certain material transactions involving a domestic insurer and any person in its holding company system, which transactions [may] are not to be entered into unless the insurer has notified the director in writing of its intention to enter into such a transaction at least thirty (30) days prior thereto, or such shorter period as the director may permit, and the director has not disapproved such transaction.

(1) The transactions specified within or under section (2) of this rule constitute material transactions which the director determines may adversely affect the interests of the insurer's policyholders within the meaning of section [382.195.1(5)] 382.195.1(7), RSMo.

(2) [Each of the following transactions] Any agreement, arrangement, or contract, except for those agreements, arrangements, or contracts covered by subdivisions (1) through (6) of section 382.195.1, RSMo, in which the consideration to or from or anticipated to or from the domestic insurer has a value exceeding one-half of one percent (0.5%) of the domestic insurer's admitted assets as of the thirty-first day of December next preceding, involving a domestic insurer and any person in its insurance holding company system, including amendments or modifications of affiliate agreements previously filed under section 382.195, RSMo, shall [may] not be entered into unless the insurer has notified the director in writing through use of Form D to 20 CSR 200-11.101 of its intention to enter into such transaction at least thirty (30) days prior thereto, or such shorter period as the director may permit, and the director has not disapproved it within such period (see section 382.195.1, RSMo). [:

(A) Any tax allocation agreement, arrangement or contract; and

(B) Any other agreement, arrangement, or contract, except for those agreements, arrangements or contracts covered by subsection (2)(A) of this rule or subdivisions (1) through (4) of section 382.195.1, RSMo, in which the consideration by or from or anticipated by or from the insurer has a value exceeding one-half of one percent (0.5%) of the insurer's admitted assets as of the thirty-first day of December next preceding.]

(3) Section 382.195.1, RSMo requires that the notice for amendments or modifications include the reasons for the change and the financial impact on the domestic insurer.

[(3)](4) A domestic insurer [may] shall not enter into transactions, whether described in section (2) of this rule or subsection 1. of section 382.195, RSMo, which are part of a plan or series of like transactions with persons within the insurance holding company system if the purpose or effect of those separate transactions is to avoid the statutory or regulatory threshold amount and thus avoid the review that would occur otherwise. If the director determines that such separate transactions were entered into over any twelve- (12-)/- month period for such purpose, the director may exercise the director's authority under section 382.265, RSMo.

**AUTHORITY:** sections 374.045 and 382.195, RSMo [2000] 2016. Original rule filed June 14, 2001, effective Dec. 30, 2001. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 200—Insurance Solvency and Company  
Regulation  
Chapter 11—Control and Management of Insurance  
Companies**

**PROPOSED AMENDMENT**

**20 CSR 200-11.130 Materiality, Fairness, and Reasonableness of Certain Affiliated Transactions.** The director is amending sections (1), (3), and (4), and amending the purpose statement.

**PURPOSE:** This amendment modernizes the rule and removes unnecessary language.

**PURPOSE:** The purpose of this rule is to carry out the provisions of section 382.190, RSMo [2000]. Specifically, this rule provides the standards by which the director will determine whether a transaction is material for purposes of section 382.190(1) and (2), RSMo, whether the terms of material transactions between a registered insurer and its affiliates are "fair and reasonable" for purposes of section 382.190(1), RSMo, and whether charges or fees for services are "reasonable" for purposes of section 382.190(2), RSMo.

(1) A transaction is a "material transaction" for purposes of section 382.190(1) and (2), RSMo, if:

(A) It involves a registered insurer and one (1) or more of its affiliates; and

(B) Such transaction, including amendments or modifications to an existing material transaction:

1. Involves more than one-half of one percent (0.5%) of such insurer's admitted assets as of the thirty-first day of December next preceding the transaction; or

2. Is part of a plan or series of like transactions with persons within the same holding company system as such insurer and the purpose or effect of such transactions is to avoid the threshold established in paragraph 1 of subsection (B) of this section and thus avoid the review that would otherwise occur.

(3) Standards for Charges, Fees and Other Consideration:

(A) For Services.

1. The charges, fees, or other consideration[,/] paid by the registered insurer to an affiliate for a service shall not exceed the direct cost to the registered insurer. "Direct cost" means the expenses and costs to the registered insurer of directly performing substantially the same service for itself. The direct cost [shall be] is determined by consistently applied, objectively verifiable, generally recognized, internal accounting practices.

2. If and only if the registered insurer cannot determine its direct cost, the charge or fee paid by the registered insurer to an affiliate for a service shall not exceed the cost of obtaining substantially the same service on the open market. A service is obtained on the open market where the service is obtainable from a person:/—

A. Who is not affiliated with the insurer; and

B. Either:/—

(I) Whose cost to the insurer represents the lowest and best bid for such service, such bid having been submitted in response to

a request for proposal in a competitive bidding process approved by the director; or

(II) Whose cost to the insurer represents a price that is, with respect to substantially the same service, typical of the price paid by other persons who are affiliated with neither the vendor nor the insurer.

(B) For Assets or Goods. The charges, fees, or other consideration, paid by the registered insurer to an affiliate for an asset or good shall not exceed the cost of obtaining substantially the same asset or good on the open market. An asset or good is obtained on the open market where the [service] asset or good is obtainable from a person;—

1. Who is not affiliated with the insurer; and
2. Either;—

A. Whose cost to the insurer represents the lowest and best bid for such asset or good, such bid having been submitted in response to a request for proposal in a competitive bidding process approved by the director; or

B. Whose cost to the insurer represents a price that is, with respect to substantially the same asset or good, typical of the price paid by other persons who are affiliated with neither the vendor nor the insurer.

(C) Notwithstanding the provisions of subsections (A) and (B) of this section, a transaction between a registered insurer and its affiliate/s will be deemed fair and reasonable, if the transaction is the direct result of a winning bid submitted by the affiliate in a competitive bidding process that has been approved by the director.

(4) The director [shall] will presume that a material transaction is fair and reasonable, if such material transaction complies with the standards set forth in section (3) of this rule. The director [shall] will presume that a material transaction is neither fair nor reasonable, if such material transaction does not comply with the standards set forth in section (3) of this rule. Any person may seek during the appropriate administrative proceeding (e.g., a Form D or an examination) to rebut a presumption created by this section, but evidence relating to whether a transaction is fair or reasonable will be viewed with a bias in favor of the applicable presumption.

**AUTHORITY:** sections 374.045 and 382.240, RSMo [2000] 2016. Original rule filed Dec. 4, 2001, effective June 30, 2002. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 200—Insurance Solvency and Company Regulation

#### Chapter 11—Control and Management of Insurance Companies

#### PROPOSED AMENDMENT

**20 CSR 200-11.150 Dividends.** The director is amending sections (1)-(2).

**PURPOSE:** This amendment modernizes the rule and removes unnecessary language.

(1) Constructive Dividends.

(B) From the payments or other distributions under subsection (1)(A) of this rule:

1. There [shall be] is allowed as a deduction all the ordinary and necessary expenses paid or incurred in carrying on any trade or business, including:

A. A reasonable allowance for salaries or other compensation for personal services actually rendered;

B. Traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home in the pursuit of a trade or business; and

C. Rentals or other payments [required to be] made as a requisite condition to the continued use or possession, for purposes of the trade or business, of property to which the insurer has not taken or is not taking title or in which it has no equity; and

2. There [shall be] is allowed as a deduction, but only to the extent not deducted under paragraph (1)(B)1. of this rule, the fair market value of any property, to which the insurer has taken or is taking title or in which it has equity, received in consideration of that payment or other distribution.

(C) As used in this section of this rule the following terms mean:

1. Insurer means only a stock insurance company organized under the laws of Missouri; except a foreign insurance company [shall be] is deemed an insurer if the laws of the foreign insurer's state of domicile do not include provisions substantially similar to sections 382.010–382.300, RSMo;

2. Property means money, securities, and other property; except that this term does not include stock in the insurer making the distribution (or rights to acquire the stock); and

3. Shareholder means any person directly or indirectly owning or controlling stock in an insurer.

(D) A shareholder's interest in a partnership, estate, or trust, and a shareholder's stock in a corporation, includes the interests or stock owned by the shareholder's spouse, children, grandchildren, or parents, as qualified under paragraphs (1)(D)2. and 3. of this rule. A payment or other distribution to a partnership, estate, or corporation includes any payment or other distribution to any entity controlled by that partnership, estate, or corporation. For purposes of this section of this rule, a payment or other distribution is attributable to a shareholder, if it is made—

1. Directly to the shareholder;

2. To the shareholder's spouse (other than a spouse who is legally separated from the shareholder under a decree of divorce or separate maintenance);

3. To the shareholder's children, grandchildren, or parents (a legally adopted child [shall be] is treated as a child by blood);

4. To a partnership or estate, in proportion to the shareholder's interest in the partnership or estate;

5. To a trust, in proportion to the shareholder's actuarial interest as a beneficiary of that trust; or

6. To a corporation, in proportion to the shareholder's stock in that corporation.

[(E) Notwithstanding any provision of this section to the contrary, payments or other distributions made or attributable to shareholders and undeclared as dividends by the insurer shall not be deemed a dividend, if and only if the total amount of all payments and distributions during a calendar year does not exceed one-half of one percent (1/2%) of the insurer's policyholders' surplus as of the December 31 next preceding. However, if that total amount exceeds the one-half of one percent (1/2%) of policyholders' surplus, then all these payments or distributions shall be fully subject to

subsections (1)(A)–(D) of this rule, including the amount which would otherwise have been exempt under this subsection.]

*[(F) Nothing in this rule is intended to cause double counting of a transaction. To the extent a payment is a reduction in Net Gain from Operations before it is determined to be a constructive dividend it shall not be a reduction to Net Gain from Operations after the constructive dividend determination. Net Gain from Operations, and Policyholders' Surplus before the constructive dividend, will be recalculated making this adjustment before determining whether the company is in compliance with section 375.380 or 382.210, RSMo.]*

(2) Surplus Profits.

(A) Surplus profits as used in section 375.380, RSMo [shall] means the amount stated in the company's financial statements as unassigned funds. A company has surplus profits only to the extent it has positive unassigned funds [adjusted for subsection (1)(F), if applicable].

*[(B) Notwithstanding any other rule or National Association of Insurance Commissioners' guideline to the contrary, an insurer domiciled in this state may choose to reflect in the unassigned funds account only the company's accumulated net profits and losses. Any company so choosing shall—*

*1. Place all other items which would otherwise be placed into the unassigned funds in that policyholders' surplus account designated for other or aggregate write-ins for other than special surplus funds; and*

*2. Notify the chief financial examiner in writing of its choice at the same time as or before it files its first financial statement using this choice.*

*(C) The election permitted by subsection (2)(B) of this rule may be elected once by the insurer. However, upon advance application by the insurer and prior approval by the director, an insurer may subsequently revert to its prior accounting treatment upon satisfying the director that extraordinary circumstances arising after the election justify such a reversion.]*

**AUTHORITY:** sections 374.045 and 382.240, RSMo [1986] 2016. Original rule filed Feb. 18, 1993, effective Nov. 8, 1993. Amended: Filed Dec. 1, 1993, effective July 10, 1994. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 200—Insurance Solvency and Company  
Regulation**

**Chapter 11—Control and Management of Insurance  
Companies**

**PROPOSED RESCISSION**

**20 CSR 200-11.300 Management Contracts to be Filed.** This rule required each management contract to be filed with the director within five days after its execution. This rule was adopted pursuant to the provisions of section 374.045, RSMo and implemented section 375.164, RSMo.

**PURPOSE:** This rule is being rescinded because it is outdated and unnecessary.

**AUTHORITY:** sections 374.045 and 375.164, RSMo 1986. This rule was previously filed as 4 CSR 190-10.040. Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 200—Insurance Solvency and Company  
Regulation**

**Chapter 12—Missouri and Extended Missouri Mutual  
Companies**

**PROPOSED AMENDMENT**

**20 CSR 200-12.030 Extended Missouri and Missouri Mutual Companies' Financial Reinsurance Requirements.** The director is amending section (2) and amending the purpose statement.

**PURPOSE:** This amendment updates the language of the rule.

**PURPOSE:** This rule effectuates and aids in the interpretation of sections 380.021.2. and 380.271, RSMo [2000], relating to the financial reinsurance requirements applicable to extended Missouri mutual companies organized under the provisions of sections 380.201–380.591, RSMo, and to Missouri mutual companies organized under the provisions of sections 380.011–380.151, RSMo.

(2) Surplus, as used in section (1) of this rule, [shall] means admitted assets minus liabilities in the amounts reported in the company's annual statement filed with the director each year.

**AUTHORITY:** sections 374.045, [RSMo Supp. 2011, and sections] 380.021, 380.271, and 380.561, RSMo [2000] 2016. Original rule filed Oct. 24, 1991, effective March 9, 1992. Amended: Filed Jan. 17, 2012, effective Jan. 1, 2013. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 200—Insurance Solvency and Company  
Regulation**

**Chapter 13—Real Estate**

**PROPOSED AMENDMENT**

**20 CSR 200-13.100 Appraisal Requirements.** The director is amending sections (1) and (3) and amending the purpose statement.

*PURPOSE: This amendment updates statutory references, relaxes a regulatory restriction, and gives meaning to an exemption that has not been useable since 1993.*

*PURPOSE: This rule upgrades the quality of real estate appraisals used by insurers by requiring appraisals **that** meet the same standards as those applicable to federally-regulated financial institutions. This rule effectuates or aids in the interpretation of sections 375.330, [376.300] **376.302**, and 379.080, RSMo.*

(1) Any real estate held as an investment for the production of income pursuant to section 375.330.1(7), RSMo, or any mortgage loan made pursuant to section [376.300.1(9)] **376.302** or 379.080.1(2)(f), RSMo, excluding purchase money mortgages as identified in section [376.300.1(9)] **376.302.1(1)(a)**, RSMo, may be held as an admissible asset only if the appraisal—

(A) Is made of real estate no more than one hundred [twenty (120)] **eighty (80)** days before the date the deed or mortgage is recorded in the appropriate public records;

(D) Is made by an individual who is—

1. On the national registry of state-certified and licensed appraisers who are eligible to perform appraisals in federally related transactions, which national registry is maintained pursuant to [United States P.L. 101-73, Title XI, Section 1103 (12 USC Section 3332)]; and

2. Certified or licensed to make the appraisal by the state in which the real estate is located.

(3) Notwithstanding any provision of section (1) of this rule to the contrary, an insurer may establish written procedures, approved by the company's board of directors, for the valuation of its real estate and mortgage loans, which [shall] **will** exempt the insurer from all of the provisions of section (1). The written procedures must be approved by the director. The director may review the insurer's compliance with these procedures. The director must be notified of any material changes to the written procedures. To be exempt under this section, an insurer's mortgage loan and real estate operations shall meet the following minimum standards:

(A) The insurer [shall] holds a combined mortgage loan and real estate portfolio valued at three hundred (300) million dollars or more;

(B) The insurer [shall] **has** established written procedures and obtained board approval and approval by the director [within one hundred twenty (120) days (August 6, 1993) of the effective date of this rule (April 8, 1993)];

(C) The insurer, as part of the written procedures, [shall] **has** established a reasonable system of valuation of its mortgage loans

and real estate which includes the following elements:

1. A system to value its real estate acquired through foreclosure for the purpose of establishing reserves or carrying values of the investments and for statutory accounting purposes;

2. A program for the training, education and certification of employees, at least one (1) of whom must be certified as described in paragraph (1)(D)1. of this rule, who conducts internal appraisals of investments, or a system involving the use of independent certified appraisers as described in paragraph (1)(D)1. of this rule. Any internal appraiser shall not be compensated, directly or indirectly, on the basis of the outcome of appraisals performed and shall have direct reporting access to the chief investment officer of the insurer; and

3. Carrying values for the foreclosed real estate shall be based upon the internal appraisal or an independent appraisal and the value of the guarantees or other credit enhancements related to the investment; and

(D) The audit report of the independent certified public accountant which prepares the audit of the insurer's annual statement shall contain findings by the auditor that—

1. The insurer has adopted valuation procedures meeting the requirements of section (3) of this rule;

2. The procedures adopted by the board of directors have been uniformly applied by the insurer in conformance with section (3) of this rule; and

3. The management of the insurer has an adequate system of internal controls.

*AUTHORITY: section 374.045, RSMo [(1986)] **2016**. Original rule filed Aug. 4, 1992, effective April 8, 1993. Amended: Filed Dec. 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 200—Insurance Solvency and Company  
Regulation**

**Chapter 13—Real Estate**

**PROPOSED AMENDMENT**

**20 CSR 200-13.200 Mortgage Loans as Admissible Assets.** The director is amending sections (4) and (5) and amending the purpose statement.

*PURPOSE: This amendment updates statutory references and removes unnecessary language.*

*PURPOSE: This rule effectuates or aids in the interpretation of sections [376.300(9)] **376.302** and 379.080.1(2)(f), RSMo.*

(4) [Mortgage Loans as Admissible Assets Not Placed on Deposit With the Department of Insurance.] The following documents shall be maintained for each mortgage loan by all insurance

companies holding mortgage loans as admissible assets[, *but not placing the mortgage loans on deposit with the Department of Insurance*]:

(A) A current title policy or acceptable attorney's legal opinion;

(B) If so requested by the director of the Department of Insurance, **Financial Institutions and Professional Registration**, a current appraisal of mortgaged property made under the standards [required by] of 20 CSR 200-13.100;

(C) A certificate by county collector or affidavit by an officer of the insurance company that no property taxes are in arrears or a certification on the title policy or legal opinion that current taxes have been paid;

(D) A photograph of the subject property if improved;

(E) If subject property is improved, a fire insurance policy, a photocopy of the declarations page of the policy or an affidavit by an officer of the insurance company that fire coverage has been obtained or a photocopy of an insurance certificate by a loan correspondent;

(F) Any other document that the insurance company is directed to maintain by the director of the Department of Insurance, **Financial Institutions and Professional Registration**; and

(G) A copy of the written appraisal made under the standards of 20 CSR 200-13.100.

(5) [Each] The provisions of 20 CSR 200-4.010 are applicable to each of the documents [required to be maintained for mortgage loans] specified under the provisions of section (4) of this rule [shall be maintained in accordance with the provisions of 20 CSR 200-4.010].

*AUTHORITY: sections 374.045, 376.170, 376.302, and [376.300, RSMo (1986) and] 379.080, RSMo [(Cum. Supp. 1989)] 2016. This rule was previously filed as 4 CSR 190-II.040(1)-(3), (5) and (6), and 20 CSR 200-1.090. Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Amended: Filed Jan. 25, 1991, effective July 8, 1991. Amended: Filed Aug. 4, 1992, effective April 8, 1993. Amended: Filed Dec. 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 200—Insurance Solvency and Company  
Regulation  
Chapter 13—Real Estate**

**PROPOSED RESCISSION**

**20 CSR 200-13.300 Real Estate Held After Ten Years.** This rule described the method by which a company may obtain from the director an extension of the ten-year limitation on holding title to real estate and describes the accounting procedures for property. This rule was adopted pursuant to the provisions of section 374.045, RSMo and implemented section 375.330, RSMo.

*PURPOSE: This rule is being rescinded because it is redundant in light of subsection 5 of section 375.330, RSMo.*

*AUTHORITY: sections 374.045, RSMo (1986) and 375.330, RSMo (Cum. Supp. 1990). This rule was previously filed as 4 CSR 190-II.060 and 20 CSR 200-1.100. Original rule filed July 27, 1964, effective Aug. 7, 1964. Amended: Filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 5, 1974, effective Aug. 15, 1974. Amended: Filed Aug. 4, 1992, effective April 8, 1993. Rescinded: Filed Dec. 13, 2018.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 200—Insurance Solvency and Company  
Regulation  
Chapter 14—Multiple Employer Self-Insured Health  
Plans**

**PROPOSED AMENDMENT**

**20 CSR 200-14.200 Renewal of Certificate of Authority.** The director is amending sections (1) and (2).

*PURPOSE: This amendment modernizes the rule, removes language duplicative of statutes, and allows for additional time to file an annual audited financial report in accordance with industry standards.*

(1) An Application for Certificate of Authority form must be completed and submitted to the director of the Department of Insurance, **Financial Institutions and Professional Registration** by March 1 of each year, **along with the license fee prescribed by section 376.1005.2, RSMo**, in order to renew a multiple employer self-insured health plan's certificate of authority. [The renewal fee to accompany each renewal application shall be equal to two percent (2%) of the Missouri claims paid by the plan for the immediately preceding calendar year.]

(2) By March 1 of each calendar year, each multiple employer self-insured health plan must submit an annual [audited financial] report consisting of the **National Association of Insurance Commissioners health annual statement convention blank, as well as an annual audited financial report prepared in accordance with sections 375.1025-375.1062, RSMo**, and which include those items specified in section [376.1025/ 376.1012(4), RSMo showing the condition and affairs of the plan as of the preceding December 31. **A multiple employer self-insured health plan may request an extension to June 1 for filing the annual audited financial report, which will be granted for good cause shown.**

*AUTHORITY: sections 374.045, [and] 375.786, [RSMo 1986 and] 376.1005, 376.1012, and 376.1025, RSMo [Supp. 1993]*

**2016.** Original rule filed Oct. 15, 1993, effective June 6, 1994. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 200—Insurance Solvency and Company  
Regulation**

**Chapter 14—Multiple Employer Self-Insured Health  
Plans**

**PROPOSED RESCISSION**

**20 CSR 200-14.300 Employers Who Join the Plan After a Certificate of Authority is Granted.** This rule implemented sections 375.786, 376.1025 and 376.1030, RSMo.

**PURPOSE:** This rule is being rescinded because it is entire duplicative of section 376.1030, RSMo.

**AUTHORITY:** sections 374.045 and 375.786, RSMo 1986 and 376.1025 and 376.1030, RSMo Supp. 1993. Original rule filed Oct. 15, 1993, effective June 6, 1994. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 200—Insurance Solvency and Company  
Regulation**

**Chapter 14—Multiple Employer Self-Insured Health  
Plans**

**PROPOSED RESCISSION**

**20 CSR 200-14.400 Dissolution of Plan.** This rule implemented sections 375.786, 376.1022 and 376.1025, RSMo.

**PURPOSE:** This rule is being rescinded because it has never been used and is not necessary to the successful dissolution of a plan, should dissolution of a plan ever become necessary.

**AUTHORITY:** sections 374.045, 375.786 and 376.1025, RSMo Supp. 1998 and 376.1022, RSMo 1994. Original rule filed Oct. 15, 1993, effective June 6, 1994. Amended: Filed April 23, 1999, effective Nov. 30, 1999. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: J. Danielle McAfee, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 500—Property and Casualty**

**Chapter 1—Property and Casualty Insurance in General**

**PROPOSED AMENDMENT**

**20 CSR 500-1.200 Marine, Inland Marine, Definition With Scope of Coverage.** The director is amending the purpose section.

**PURPOSE:** This amendment fixes a typographical error in a statutory citation in the purpose section

**PURPOSE:** This regulation adopts and sets forth the 1976 Revision of the National Association of Insurance Commissioners' Nationwide Marine Definition with certain changes for Missouri use. Future interpretations will be made public by order or other notice. This regulation was adopted pursuant to the provisions of section 374.045, RSMo and implements section [279.316.2.] 379.316.2, RSMo.

**AUTHORITY:** sections 374.045 and 379.316.2., RSMo [(1994)] (2016).<sup>\*</sup> This rule was previously filed as 4 CSR 190-16.020. Original rule filed July 27, 1964, effective Aug. 7, 1964. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Meaghan Forck, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within

thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 500—Property and Casualty  
Chapter 1—Property and Casualty Insurance in General**

**PROPOSED AMENDMENT**

**20 CSR 500-1.400 Policyholder and Mutual Members Participation.** The director is amending the purpose section and sections (1) and (2).

*PURPOSE: This amendment modernizes the rule.*

*PURPOSE: This regulation specifies requirements for issuance of participating policies of property and casualty insurance and [required] provisions in all mutual policies other than life. This regulation was adopted pursuant to the provisions of section 374.045, RSMo and implements sections 379.160 and 379.265, RSMo.*

(1) Prerequisites for Issuance of Participating Policies.

(A) Any stock insurance company licensed to do business in Missouri may issue participating property and casualty policies, provided that the company shall first—

1. Submit to the director of *[insurance]* the department evidence of proper specific charter authority; and

2. File with the director of *[insurance]* the department for approval the form of all participating property and casualty policies proposed to be issued in Missouri.

(2) Provisions *[Required]* in All Mutual Policies Other Than Life.

(A) Each policy issued by any mutual insurance company to insure property located in Missouri shall include the following or words meaning substantially the same:

1. "By acceptance of this policy, the named insured becomes a member of the company and shall be entitled to vote at all meetings of the members and, upon termination of this policy, shall participate in the distribution of dividends as fixed and determined by the directors in accordance with the law";

2. If not assessable, "This policy is not assessable. Your liability as a policyholder and member of the company under this policy is limited to payment of premium";

3. If assessable, "This policy is assessable under the provisions of section \_\_\_\_\_ RSMo. As a policyholder and member of the company, you may be required to make additional contributions to help meet excessive losses." (*[Note that the proper statute must be inserted]* **Insert proper statute**); and

4. Notice of the time, date, and place of the regular annual meetings of the members, unless notified otherwise.

*AUTHORITY: sections 374.045, 379.160 and 379.265, RSMo [(1994)] 2016. This rule was previously filed as 4 CSR 190-16.070. This version of rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Dec. 20, 1974, effective Dec. 30, 1974. Amended: Filed Dec. 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private*

*entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Meaghan Forck, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 500—Property and Casualty  
Chapter 1—Property and Casualty Insurance in General**

**PROPOSED AMENDMENT**

**20 CSR 500-1.700 Motor Vehicles and Goods as Collateral.** The director is amending sections and subsections (2)(A), (B), (C), (D), and (E), (3) and 3(C), (5)(A), (6), and (7).

*PURPOSE: This amendment modernizes the rule.*

(2) Definitions.

(A) "Consumer" *[shall include]* **includes** the purchaser in a credit transaction, the mortgagor of newly acquired or previously owned property, and the equitable owner of any property subject to a lien within the scope of this regulation.

(B) "Goods," as used, *[shall mean]* **means** all tangible chattels, personal, and merchandise certificates or coupons exchangeable for this tangible personal property, but *[shall]* **does not** include motor vehicles, nonprocessed farm products, livestock, money, things in action, or intangible personal property. This term includes personal property which can be or is attached to realty so as to become a fixture whether or not severed or severable.

(C) "Loss payable clause" *[shall mean]* **means** any clause duly filed by the insurer with the *[Missouri Department of Insurance (MDI)]* **department** as added to a policy affording substantial protection.

(D) "Motor vehicle" *[shall include]* **includes** any new or used automobile, motorcycle, truck, trailer, semi-trailer, truck tractor, or bus.

(E) Substantial protection as used is afforded a consumer when the goods are covered by a standard fire policy with extended coverage endorsement or when the motor vehicle is covered by a policy providing collision and comprehensive insurance and both are duly filed with the *[MDI]* **department**. In these policies, the owner of the property must be protected from his/her risk of casualty loss for the causes covered by these policies and must be sole loss payee absent a loss payable clause. The amount payable to the consumer shall be no less than the actual cash value of the goods or motor vehicle insured.

(3) Substantial Protection *[Required]*.

(C) No insurance carrier shall write the following coverages upon vehicles insured by coverage subject to this regulation unless included as part of an insurance policy substantially protecting the interests of the consumer, subject to the provisions of the Department of Economic Development, **and the [Missouri Division of Finance] department's** insurance regulations: fire, theft, and collision and comprehensive (except on vehicles ten (10) years old); towing and labor; and medical payments.

(5) Rates.



(A) No insurance carrier writing insurance in connection with consumer loans shall charge a rate in excess of the standard rate for this coverage. The standard rate means the rate(s) on file with the [MDI] department.

(6) Statement [Required]. No insurer shall write credit-connected insurance within the scope of this regulation unless the consumer executes as part of his/her application for coverage the following statement or similar statement approved by the director of the department [of Insurance]: "I understand that I am free to insure my \_\_\_\_\_ (auto, motorcycle, or furniture) with whatever licensed company or insurance producer I may choose; that I may do so at any time after the date of this loan; that I have not cancelled existing insurance on my \_\_\_\_\_ if I owned it before this loan; and that this loan cannot be denied me simply because I did not purchase my insurance through the lender or seller."

(7) Training [Required]. Any insurance company engaging in coverage subject to this regulation shall be responsible for the education and training of its insurance producers operating in connection with credit institutions to insure that they are fully knowledgeable of the contents of this regulation and any other pertinent insurance laws and regulations. Each company shall be responsible for the continuing training and supervision of the activities of its insurance producers placing that business.

**AUTHORITY:** sections 303.200, 365.080, 367.170, 374.045, 375.936, 379.318, 379.351, 379.470 and 408.280, RSMo [2000] 2016. This rule was previously filed as 4 CSR 190-16.140. Original rule filed Aug. 12, 1974, effective Aug. 22, 1974 as Regulation 10.9. Amended: Filed Aug. 4, 1989, effective Dec. 1, 1989. Amended: Filed July 12, 2002, effective Jan. 30, 2003. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Meaghan Forck, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 500—Property and Casualty  
Chapter 1—Property and Casualty Insurance in General**

**PROPOSED RESCISSION**

**20 CSR 500-1.900 Minimum Standards for Claims-Paid Policies.** This rule set minimum requirements for loss reserves, loss adjustment expense reserves and policy provisions for claims-paid policies.

**PURPOSE:** This rule is being rescinded because the department is unaware of any companies currently writing claims-paid policies and because if companies should write claims-paid policies in the future, those companies would have to comply with accounting and actuarial

standards that apply across the insurance industry generally.

**AUTHORITY:** sections 374.040, 374.045, 375.930–375.948 and 379.102, RSMo 1994. Original rule filed Nov. 14, 1991, effective June 25, 1992. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Meaghan Forck, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 500—Property and Casualty  
Chapter 2—Automobile Insurance**

**PROPOSED AMENDMENT**

**20 CSR 500-2.500 Mobile Homes as Collateral.** The director is amending sections and subsections (1)(B), (2), and (3).

**PURPOSE:** This amendment modernizes the rule.

(1) Definitions.

(A) Mobile home includes:

1. Mobile home, any manufactured housing unit, transportable on its own chassis, axle, and wheels, designed for permanent occupancy when connected to utilities;

2. Travel trailer, any manufactured recreational vehicle, transportable on its own chassis, axle, and wheels when towed by a motor vehicle, designed for temporary occupancy, to include a camper trailer; and

3. Motor home, any self-propelled, licensed, registered motor vehicle, designed for use principally on the public right-of-way as a recreational vehicle and designed to provide temporary living quarters, including truck-mounted camper units.

(B) Dual interest as used [shall mean] means a policy of insurance in which the interests of the lien-holder/vendor and the named insured debtor/borrower are each insured as their interest may appear. Coverage for the debtor shall not be less than the standard fire policy with extended coverage endorsements. Vendors' single interest may be written in conjunction with and incidental to a dual interest policy.

(C) Vendors'/lenders' single interest shall be an incidental coverage written in conjunction with a dual interest policy. This vendors' single interest coverage may include conversion, secretion, embezzlement, collision, and repossession return expense coverages.

(2) Substantial Protection [Required].

(A) Vendors'/lenders' single interest may not be written on mobile homes as a separate policy. It only may be written as a portion of a dual interest policy protecting the interests of the debtor/borrower and the creditor as they may appear.



(B) Lienholders, or sellers of mobile homes, or both, may not be listed as additional insureds or appear in any other manner as insureds on a policy insuring the mobile home where the policy is purchased by the owner of the mobile home. They may be named in a loss payable clause as a payee or be a payee under the vendors'/lenders' single interest portion of that policy.

(C) No policy subject to this regulation may be written unless it covers substantially the actual cash value of the mobile home, except for the vendors'/lenders' single interest portion of that policy which may be measured by the loan balance payable.

(3) Consumers' Rights, Rates, and Training. Insurers doing business subject to this regulation shall comply with the following sections of 20 CSR 500-1.700 to foster open competition among the insurers: section (4) Consumers' Rights, to include providing full and fair written notice of these rights before the underlying mobile home credit transaction is consummated; section (5) Rates; and section (7) Training *[Required]*, to include the proper application of rates to each risk.

*AUTHORITY: sections: 303.200, 365.080, 367.170, 374.045, 375.936 and 408.280, RSMo [(1994)] 2016. This rule was previously filed as 4 CSR 190-17.090. Original rule filed Dec. 20, 1974, effective Dec. 30, 1974. Amended: Filed Aug. 4, 1989, effective Dec. 1, 1989. Amended: Filed Jan. 13, 1995, effective July 30, 1995. Amended: Filed Dec. 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Meaghan Forck, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 500—Property and Casualty Chapter 4—Rating Laws**

#### **PROPOSED AMENDMENT**

**20 CSR 500-4.300 Rate Variations (Consent Rate) Prerequisites.** The director is amending section and subsections (1)(B), (C), and (D), and (2)(A)3.

*PURPOSE: This amendment modernizes the rule.*

(1) Standards for the Use of Consent to Rate.

(B) Reasons for any individual modifications in rate for private passenger automobile or homeowners or occupied residential dwelling fire policies must be entered in Exhibit A and *[must]*—

1. Be highly unusual and have a documentably probable effect upon losses, stating specifically why the proposed insured is not within a reasonable class or classification system;

2. Be clearly and specifically stated as to each specific risk fac-

tor (such general statements as "Risk does not meet normal rates" are not acceptable);

3. Not be based solely upon the actions of another insurer toward that insured or that person's age, residence, race, sex, color, creed, national origin, ancestry, or lawful occupation; and

4. The following statement must be a part of each form 20 CSR 500-4.300 Exhibit A and signed by the insured: "I, \_\_\_\_\_, declare that I have been unable to obtain this insurance from other companies and hereby consent to pay the higher rates which I am being charged for this insurance. I understand that any deductible amount stated in my policy will be deducted from each claim I may make under the policy issued me."

(C) Schedule experience rated policies, or both, approved and filed by the *[Missouri]* department *[of Insurance (MDI)]* are exempt from this rule.

(D) Policies rated on any substandard dwelling schedule or rating plan filed with the *[MDI]* department are considered special rating policies for the purposes of the record requirements of section (2) of this rule.

(2) Record Keeping Requirements.

(A) All insurance companies subject to this rule shall—

1. Complete and execute monthly, with the signature of a person authorized by the company to do so, Exhibit B;

2. File and preserve the original completed Exhibits A and B in the company's policy file and a duplicate copy of each in the company's Missouri records file; and

3. Transmit to the department *[of Insurance]* a completed signed copy of Exhibit B before the end of the next monthly period.

*AUTHORITY: sections 374.045, 379.318(2), [and] 379.470(6), [RSMo 2000;] 375.031, and 375.136, [RSMo Supp 2001;] 2016, and section 379.321(3), RSMo [2002] Supp. 2018. This rule was previously filed as 4 CSR 190-16.080. Original rule filed Dec. 20, 1974, effective Dec. 30, 1974. Amended: Filed April 23, 1999, effective Nov. 30, 1999. Amended: Filed July 12, 2002, effective Jan. 30, 2003. Amended: Filed Dec. 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Meaghan Forck, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

### **Division 600—Statistical Reporting Chapter 1—Reports Other Than Annual Statement and Credit Insurance**

#### **PROPOSED AMENDMENT**

**20 CSR 600-1.020 Dram Shop Cost Data Reporting.** The director is amending the purpose statement, section (3), and subsections (1)(A) and (2)(B).

**PURPOSE:** This proposed amendment updates and modernizes the rule.

**PURPOSE:** This rule interprets section 375.1730, RSMo [Supp. 2002], and sets forth the types of cost data [required] to be reported to the department from insurers issuing coverage for dram shop liquor liability and provides for the form referred to in section (3) of this rule to be available on the department's website.

(1) Definitions. When used in this regulation—

(A) Costs associated with coverage means those expenses and fees incurred by insurers relating to dram shop liability coverage that are [required] to be reported to the director as outlined in the data reporting form required by section (2) of this regulation;

(2) Report.

(B) The initial report [shall] is to be in writing and shall be made to the director by April 30, 2003, for the twelve (12) months ending December 31, 2002, on the form provided by the department. Every subsequent report [shall] is also to be in writing and shall be made to the director annually on or before March 31 of each year beginning March 31, 2004, for the twelve (12) months ending December 31 next preceding on the form provided by the department.

(3) Forms. The data reporting form [required by] referenced in section (2) of this regulation can be accessed at the department's website [at [www.insurance.state.mo.us](http://www.insurance.state.mo.us)].

**AUTHORITY:** sections 374.045, 536.016, [RSMo 2000,] and 375.1730, RSMo [Supp. 2003] 2016. Original rule filed Oct. 1, 2002, effective March 30, 2003. Amended: Filed Dec. 19, 2003, effective June 30, 2004. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, Missouri 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 600—Statistical Reporting  
Chapter 2—Credit Insurance**

**PROPOSED RESCISSION**

**20 CSR 600-2.100 Life and Accident and Sickness.** This regulation provides for the regulation of credit life insurance and credit accident and health insurance with penalty provisions.

**PURPOSE:** This rule is being rescinded because it is duplicative to provisions already contained in Chapter 385 RSMo. The rule contains information that is outdated and in conflict with the statutes; and therefore, is no longer necessary.

**AUTHORITY** sections 365.080, 374.045, 374.190, 374.210, 375.041, 375.936, 376.170, 376.405, 376.500, 376.675, 376.777

and 408.280, RSMo 2000. This rule was previously filed as 4 CSR 190-13.160. Original rule filed Sept. 11, 1975, effective Nov. 15, 1975. Amended: Filed Aug. 16, 1977, effective Jan. 13, 1978. Amended: Filed Jan. 15, 1980, effective Sept. 1, 1980. Amended: Filed Aug. 13, 1981, effective Jan. 1, 1982. Amended: Filed Dec. 1, 1997, effective May 30, 1998. Amended: Filed July 12, 2002, effective Jan. 30, 2003. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 600—Statistical Reporting  
Chapter 2—Credit Insurance**

**PROPOSED AMENDMENT**

**20 CSR 600-2.110 [Revision of] Credit Life and Accident and Sickness Rates.** The director is amending the rule title, the purpose statement, section (4), subsections (1)(A) and (1)(B), and deleting subsection (1)(C) and paragraphs (1)(A)1., (1)(A)2., (1)(A)3., (1)(A)4., (1)(A)5., (1)(C)1., and (1)(C)2.

**PURPOSE:** This proposed amendment would change the title and purpose statement to more accurately reflect the contents of the rule, and would remove language that is duplicative of a statute. This proposed amendment would also eliminate references in the text of the rule to subsections which no longer exist, as they were removed by a prior amendment.

**PURPOSE:** This rule implements the *prima facie* rates for credit life and credit accident and health specified in section 385.070, RSMo. It also sets forth alternative conditions and rates which will be permitted for credit life insurance and credit accident and health insurance.

(1) Regarding credit life insurance—

(A) [It shall be presumed in any review of rates filed with the director that the benefits are reasonable in relation to the premium charged if the premium rates do not exceed the following:

1. Single premium rate—single life decreasing term credit life insurance—fifty-five cents (55¢) per annum per one hundred dollars (\$100) of initial outstanding amount of insured indebtedness;

2. Single premium rate—single level term credit life insurance—one dollar and ten cents (\$1.10) per annum per one hundred dollars (\$100) of initial outstanding amount of insured indebtedness;

3. Monthly premiums—single life credit life insurance—ninety-two cents (92¢) per one thousand dollars (\$1,000) of outstanding insured indebtedness;

4. Single premium-joint life (two (2) lives) decreasing term credit life insurance—ninety cents (90¢) per annum per

one hundred dollars (\$100) of initial outstanding amount of insured indebtedness; and

5. Monthly premium—joint life (two (2) lives) decreasing term credit insurance—one dollar thirty-eight cents (\$1.38) per one thousand dollars (\$1,000) of outstanding indebtedness;] Premium rates for credit life insurance are presumed reasonable if consistent with the rates set forth in section 385.070.1(1), RSMo; and

(B) If the credit life insurance policy is of a type different than those described in subsection (1)(A), premium rates for this policy [shall be] may be determined to be reasonable if they are actuarially consistent with the rates set forth in subsection (1)(A)[; and].

[(C) The presumption of reasonableness of premium rates stated in subsection (1)(A) is granted only when the credit life insurance contract—

1. Contains an incontestable clause for a period which shall not be in excess of two (2) years; and

2. Provides or offers coverage to all debtors regardless of age, or to all debtors not older than the applicable age limit, which shall not be less than attained age of seventy (70) years if the limit applies to the age when the insurance attaches, or not less than attained age of seventy-one (71) years if the limit applies to the age on the scheduled maturity date of the debt. Age limits, if used, must be clearly shown on the individual policies or group certificates.]

(4) Insurers may use the same application forms under this rule whether or not underwriting questions are asked [pursuant to subsection (1)(D) or subsections (2)(B) and (2)(C)]. The department will presume that any application form for which all the relevant underwriting questions have been left unanswered represents a policy which has not been underwritten, and for which *prima facie* rates are permissible. A form for which any relevant underwriting questions have been answered or filled in represents a policy for which premium increases or decreases are required. Insurers should maintain in their files their rules for those circumstances where underwriting questions [shall be] are asked. These rules shall be communicated to and followed by the insurer's agents or other producers.

**AUTHORITY:** sections 374.045, 385.045, and 385.070, RSMo [2000] 2016. This rule was previously filed as 4 CSR 190-13.190. Original rule filed June 12, 1981, effective Oct. 16, 1981. Amended: Filed Nov. 2, 1993, effective July 10, 1994. Amended: Filed July 12, 2002, effective Feb. 28, 2003. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 600—Statistical Reporting  
Chapter 2—Credit Insurance**

**PROPOSED RESCISSION**

**20 CSR 600-2.120 Refund of Credit Insurance Premiums.** This regulation established uniform cancellation procedures to be followed by credit insurers pursuant to the provisions of sections 374.045 and 385.050, RSMo.

**PURPOSE:** This rule is being rescinded because it is outdated and in conflict with Section 385.050.2 RSMo which provides for the actuarial method of calculating refunds.

**AUTHORITY** sections 374.045 and 385.070, RSMo 1986. This rule was previously filed as 4 CSR 190-13.180. Original rule filed April 11, 1979, effective Aug. 11, 1979. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 600—Statistical Reporting  
Chapter 2—Credit Insurance**

**PROPOSED AMENDMENT**

**20 CSR 600-2.200 Credit Property Insurance.** The director is amending the rule title, the purpose statement, section (1), and subsections (2)(A), (2)(B), (2)(C), (2)(E), deleting sections (3), (4), (5), (6), (7), (10), (12), (13), subsections (6)(A), (6)(B), (6)(C), and Exhibit A, and renumbering sections (8), (9), and (11) as sections (3), (4), and (5).

**PURPOSE:** This proposed amendment clarifies and modernizes the rule in reference to Chapter 385 which regulates credit property insurance. This proposed amendment changes the title and purpose statement to more accurately reflect the contents of the rule and appropriate statutes. This proposed amendment also eliminates language that is duplicative of a statute or which is no longer necessary.

**PURPOSE:** This regulation is designed to stimulate open competition among insurers to provide insurance coverage in the credit context at rates which are not unfairly discriminatory or excessive. Where property insurance is sold by a creditor in connection with the extension of credit, the regulating forces of open competition may not operate to control rates and extend benefits. This regulation designates rate levels for certain coverages above which rates for insurance sold in the credit context will be presumed excessive and unfairly discriminatory under statutory standards. It is solely because of the lack of effective price and product controlling competition that the promulgation of these standards has become necessary to policyholders and the public interest. This regulation was adopted pursuant to the provisions of section 374.045, RSMo and to implement sections 367.170, 374.190, 375.012, 375.158, 375.936, [379.318, 379.356, 379.470]385.010 to 385.080, and 408.280, RSMo [2016].

(1) Scope. *[This regulation shall apply to the sale of the designated types of insurance in the credit context, that is, by a creditor to a debtor with a direct charge to the debtor. The manner and method of sale shall be the determining factor of applicability of this regulation] This regulation applies to credit property as defined in section 385.020, RSMo.*

(2) Definitions. The following terms are defined for use in this regulation:

(A) Affiliated insurance producer *[shall]* means any insurance producer of an insurer who receives any employment remuneration from a dealer or lender or sells insurance primarily to debtors of a dealer or lender group of associated dealers or lenders or whose insurance a dealer or lender controls, directly or indirectly, or regularly designates, recommends, refers or suggests to the buyer that s/he purchase in connection with the negotiation, execution, extension, or renewal of a contract;

(B) Contract *[shall]* includes any credit transaction for household, personal, or family use;

(C) Dealer *[shall]* means any person who extends credit for household, personal, or family use or any successor to a creditor's rights;

(E) *[Property insurance as permitted and regulated under this regulation shall mean coverage upon personal property other than automobiles pledged as collateral or security upon a contract as defined and shall include only the standard fire policy with coverage attachment, extended coverage endorsement and replacement cost provision endorsement. Coverage other than those described previously may be included, but no additional premium may be charged for the additional coverages and the losses sustained as a result of those additional coverages may not be included in the calculation of the loss ratio] Credit property insurance has the same meaning as in section 385.020.1(5), RSMo.*

*[(3) Sales Only Through Licensed Insurance Producers. All sales of insurance, within the scope of this regulation, must be made through licensed insurance producers. All remuneration for the sale of insurance must be in the form of commission paid directly to the insurance producer by the insurer. Enrollment of debtors of a creditor under a group contract where a direct charge is made to the debtor for the full insurance premium is declared to be the solicitation of or procurement or making of an insurance contract within the meaning of section 375.012, RSMo.*

*(4) Written Evidence of Insurance Required. The insurer must deliver to the insured within thirty (30) days of the extension of credit a copy of the policy or the certificate of insurance. This may be done directly or through the insurer's insurance producer in the credit institution.*

*(5) Coverages to be Sold. Only those coverages defined as property insurance in this regulation may be sold by an insurer through an affiliated insurance producer in connection with any contract as defined.*

*(6) Consumers' Rights. Each insurer shall grant and no insurer or affiliated insurance producer shall deny any insured the full and free exercise of the following rights:*

*(A) The consumer shall not be required or coerced to obtain insurance from any particular insurer nor through any particular insurance producer or representative of a company as a condition to entering into a contract. No insurer shall participate or knowingly allow its insurance producers to participate in such a scheme or requirements or coercion;*

*(B) If the debtor has or obtains additional personal property coverage, the debtor may retain the additional coverage or*

*may substitute coverage at any time and, upon this substitution, shall be entitled to a pro rata refund of the unearned premium on the policy. Where this insurance was not initially required by the creditor, the debtor may cancel, at any time, without substituting and shall be entitled to a pro rata refund of any premium paid. If the substitution or cancellation occurs within thirty (30) days of the extension of credit, the entire premium shall be refunded; and*

*(C) Any insurance written to secure an underlying contract must be cancelled upon the satisfaction or termination of that underlying contract and a pro rata refund of unearned premium made to the insured.*

*(7) Insurance Not to Exceed Contract Terms. No insurance sold within the scope of this regulation may exceed in amount of coverage the amount of indebtedness on the underlying contract nor exceed in duration the scheduled term of the underlying contract. Household contents may be insured at their replacement cost up to the original amount of indebtedness.]*

*[(8)](3) Credit Property Insurance Sold by a Lender (Chapter 367, RSMo).*

*(A) No insurer may issue through an affiliated agent a policy covering security for a loan made under the regulatory authority of Chapter 367, RSMo which exceeds the replacement value of the property given as security for the loan or covering security for such a loan which is less than three hundred dollars (\$300). If the insured elects to cancel a policy sold in connection with such a transaction, the insurer shall remit directly to the insured any premium refund due.*

*(B) No insurer shall sell any coverage through an affiliated insurance producer other than the standard fire policy with coverage attachment with extended coverage endorsement and replacement cost provision endorsement.*

*[(9)](4) Credit Property Insurance Sold With Credit Transactions (Chapter 408, RSMo).*

*(A) No insurer may write coverage through an affiliated agent to be sold in this context in which the amount of coverage exceeds the replacement cost of the goods insured.*

*(B) No insurer may pay a dealer or by contract grant a dealer's interest in the affiliated property insurance which exceeds the original indebtedness under the contract.*

*(C) No insurer may issue a contract of insurance through an affiliated dealer which covers any goods other than those sold by that dealer under the terms of the contract secured by those goods.*

*[(10) Rates. It shall be presumed in any review of rates filed with the director that the benefits are reasonable in relation to the premium charged if the premium rates do not exceed those contained in Exhibit A of this regulation, included herein. Any insurer filing rates in excess of those contained in Exhibit A must demonstrate that its rates produce or may reasonably be expected to produce a loss ratio of at least sixty percent (60%).]*

*[(11)](5) Cancellation Refund Computation. All refunds of any insurance sold subject to this regulation shall be made upon the pro rata refund computation tables.*

*[(12) Insurer's Reports Required. Each insurance company writing credit property insurance, as defined, shall report on or prior to April 1 all credit property insurance premium and loss information on the credit insurance experience exhibits of its annual statement. The report required by this section will not be used in any manner to determine the financial condition of the company; however, this report shall reconcile to*

the Missouri supplement to the page of the annual statement on which credit insurance business in the state of Missouri is recorded. Any discrepancies between the report required by this section and the page of the annual statement on which credit insurance business in the state of Missouri is recorded shall be explained by a signed statement attached to the report required by this section.

(13) Severability. If any provision of any section of this regulation or application to any person or circumstance is held invalid, the invalidity shall not affect other provisions of that section or application of the regulation which can be given effect without the invalid provision or application and to this end the provisions of this regulation are declared to be severable.

EXHIBIT A  
HOUSEHOLD CONTENTS  
FIRE INSURANCE

The rate applicable to credit property insurance shall be \$1.85 per \$1000 of outstanding indebtedness per month. A minimum of \$5.00 shall be allowed.]

**AUTHORITY:** sections 374.045, 374.190, 375.041, 375.936, 379.356, 379.470, 408.280, [RSMo 2000 and] 375.012, 375.158 and 379.318, RSMo [Supp. 2001] 2016. This rule was previously filed as 4 CSR 190-16.110. Original rule filed Sept. 11, 1975, effective Nov. 15, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 600—Statistical Reporting  
Chapter 2—Credit Insurance

PROPOSED RESCISSION

**20 CSR 600-2.300 Involuntary Unemployment.** This rule established a presumptively reasonable rate for credit unemployment insurance and set out procedures for filing loss data.

**PURPOSE:** This rule is being rescinded because it is duplicative and no longer necessary since section 385.070, RSMo, provides for premium rates.

**AUTHORITY** sections 374.045 RSMo Supp. 1997 and 375.041, RSMo 1994. This rule was previously filed as 4 CSR 190-16.170. Original rule filed Aug. 28, 1986, effective Dec. 11, 1986. Amended: Filed Dec. 1, 1997, effective May 30, 1998. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 600—Statistical Reporting  
Chapter 2—Credit Insurance

PROPOSED AMENDMENT

**20 CSR 600-2.400 Credit Dismemberment Insurance.** The director is amending the purpose statement, the original authority section, section (1), and subsections (1)(D), (1)(E), (1)(F), and deleting subsection (1)(G).

**PURPOSE:** This proposed amendment would replace a citation to 4 CSR 140-5.020 because that rule is now 20 CSR 1140-5.020. This proposed amendment would also clarify and remove unnecessary language which is provided for in the department's general examination recordkeeping regulations as well as to correct punctuation and spelling errors.

**PURPOSE:** This rule is designed to regulate the sale of credit dismemberment insurance. It makes the requirements concerning credit dismemberment insurance in [4 CSR 140-5.020] 20 CSR 1140-5.020 of the rules of the Division of Finance applicable to all creditors.

(1) When accident and health insurance is sold, requisitioned, or accepted by any creditor in connection with any extension of credit, this insurance may be in the form prescribed in section 385.070(2), RSMo or in the form known as dismemberment insurance; under no circumstances may both types of accident and health insurance be sold in connection with the same extension of credit. If credit dismemberment insurance is sold, requisitioned, or accepted in connection with an extension of credit, this insurance [shall be] is subject to the following requirements, restrictions, and qualifications:

(D) Cancellation. Credit dismemberment insurance [shall be] is subject to the refunding provisions as though it were credit life insurance issued pursuant to Chapter 385, RSMo and corresponding rules;

(E) Insurance Not to Exceed Contract Terms. Credit dismemberment insurance may not exceed in amount the total indebtedness nor exceed the underlying contract in duration; and

(F) Minimum Standards. Credit dismemberment insurance must provide for a total payoff of an underlying indebtedness in the event of loss of the sight of one (1) eye, loss of one (1) hand at or above the wrist, and/or loss of one (1) foot at or above the ankle; no restrictions shall be permitted, that is, full benefits must be payable on any dismemberment or blindness which occurs during the coverage; and].

[(G) Recordkeeping. Claims dismemberment insurance for which no identifiable charge is made to the debtor is exempt from this regulation.]

**AUTHORITY:** section 374.045, RSMo [Supp. 1993] 2016 and Chapter 385, RSMo 2016. This rule was previously filed as 4 CSR 190-22.070. Original rule filed Sept. 13, 1982, effective March 11, 1983. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 600—Statistical Reporting  
Chapter 2—Credit Insurance**

**PROPOSED RESCISSION**

**20 CSR 600-2.500 Credit Life and Accident and Sickness Premium Rates.** This rule implemented the provisions of sections 385.045.1 and .2 and 385.070.1(3)(e), RSMo by requiring that credit life and credit accident and sickness insurance be calculated in conformity with the methods prescribed in section 385.070.1(3), RSMo 1986.

**PURPOSE:** This rule is being rescinded because it was based on a formula contained in a 1986 statute that has been substantially revised and because it is duplicative of provisions in section 385.070, RSMo and therefore no longer necessary.

**AUTHORITY** sections 374.045, RSMo Supp. 1993, 385.045 and 385.070, RSMo Supp. 1992 and Chapter 536, RSMo 1986. This rule was previously filed as 4 CSR 190-13.200. Original rule filed June 12, 1981, effective Nov. 1, 1981. Rescinded: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 600—Statistical Reporting  
Chapter 2—Credit Insurance**

**PROPOSED AMENDMENT**

**20 CSR 600-2.510 Time Periods and Termination of Credit Accident and Sickness Insurance.** The director is amending the purpose statement, section (1) and subsection (1)(B).

**PURPOSE:** This proposed amendment adds statutory reference to section 385.045, RSMo since this statute governs policy form approval for credit accident and sickness and also clarifies the content of filings made with the department.

**PURPOSE:** This regulation specified two (2) rights of debtors under contracts of credit accident and sickness insurance and was promulgated pursuant to the provisions of section 374.045, RSMo [(1986)] and to implement sections 376.405, [and] 376.777, and 385.045, RSMo [(1986)].

(1) [No insurance company shall deliver or issue for delivery in this state any contract of credit accident and sickness insurance unless a copy of the contract or a certificate evidencing coverage under a group contract is delivered to the debtor-insured and unless the writing delivered provides that—] All credit accident and sickness policy and certificate forms filed pursuant to section 385.045 shall contain provisions that comply with the following:

(B) If a loan is rewritten necessitating adjustment of the term of insurance, the adjusted insurance policy or certificate shall not impose a new period for time limit on certain defenses but [shall] instead recognize the time elapsed under the provisions of the original policy or certificate in satisfaction of the time limit on certain defenses.

**AUTHORITY:** sections 374.045, [RSMo Supp. 1993,] 376.405, and 376.777, RSMo [Supp. 1986] 2016. This rule was previously filed as 4 CSR 190-14.020. This version of rule filed Sept. 18, 1974, effective March 1, 1975. Amended: Filed Dec. 13, 2018.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 600—Statistical Reporting  
Chapter 2—Credit Insurance**

**PROPOSED AMENDMENT**

**20 CSR 600-2.600 Credit Insurance—Indirect Compensation.** The director is amending section (2).

**PURPOSE:** This proposed amendment modernizes the rule by removing reference to a version of a statute that has been amended since its original adoption.

(2) The difference between the rate of return paid to the insurance company on Certificates of Deposit by financial institutions which

are the purveyors of the company's credit insurance and the highest rate of return available at the time of purchase of the Certificates of Deposit will be considered to be direct or indirect compensation under section 385.070.2(3), RSMo [(1986)].

*AUTHORITY: sections 374.045, [RSMo Supp. 1993,] 385.070, [RSMo Supp. 1992] and 385.075, RSMo [1986] 2016. This rule was previously filed as 4 CSR 190-13.210. Original rule filed Aug. 13, 1981, effective Nov. 16, 1981. Amended: Filed Dec. 13, 2018.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Stewart Freilich, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 1—General Rules**

**PROPOSED RULE**

**20 CSR 2117-1.010 Definitions**

*PURPOSE: This rule defines terms used throughout these regulations consistent with the statewide electrical contractor statutes.*

(1) Associate's Degree—An associate's degree in a relevant electrical program from a state accredited program.

(2) Clear—A permit obtained by an electrical contractor is cleared when the permit is either transferred or terminated by the issuing political subdivision.

(3) Division—The Division of Professional Registration.

(4) Electrical contractor—Any person engaged in electrical contracting.

(5) Four (4) year electrical engineering degree—A bachelor's level or higher degree in electrical engineering issued by a college or university accredited by the Accreditation Board for Engineering and Technology or similar accrediting organization as approved by the division.

(6) Grievance—Any complaint filed with the division by any person alleging violation of the statutes or regulations found in the statewide electrical contractor statute or regulations.

(7) Insane or incompetent—Mentally incompetent as adjudged by any court of competent jurisdiction.

(8) National Electrical Code (NEC)—The National Electrical Code.

(9) Office—Office of Statewide Electrical Contractors within the division.

(10) Political subdivision—Any township, city, town, village, school, road, drainage, sewer, and levee districts and any other public subdivision, public corporation, or public quasi-corporation having the power to tax.

(11) Qualifier—Supervisory level licensee who is designated by his or her entity as a holder of the electrical contractor license on behalf of the entity.

(12) Statewide electrical contractor license—A license issued by the division authorizing the holder to engage in the practice of electrical contracting anywhere within the state of Missouri regardless of local licensing requirements.

(13) Statewide electrical contractor statute—Sections 324.900, RSMo, et seq. that authorizes the issuance and regulation of statewide electrical contractor licenses.

(14) Verifiable practical hours—Hours of practical work verified in accordance with these rules.

*AUTHORITY: section 324.910, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately one hundred eighty-nine dollars (\$189) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## PUBLIC FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Electrical Contractors

Chapter 1 - Definitions and General Organization

Proposed Rule - 20 CSR 2117-1.010 Definitions

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$189

## III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries regarding licensure, processing and reviewing applications for completeness, corresponding with the applicant, and verifying records.
- 2) Expense and equipment costs are incurred for office expenses relating to researching, inspecting and copying the records.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 1%
Personal Service	\$0	\$116
Expense & Equipment	\$0	\$23
Transfers	\$0	\$50
<b>TOTAL</b>	<b>\$0</b>	<b>\$189</b>

## IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)



**Table 2— Allocation of Personal Service Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

**Table 3— Allocation of Expense & Equipment**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

**Table 4— Allocation of Transfer Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that no time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 1—General Rules**

**PROPOSED RULE**

**20 CSR 2117-1.020 General Organization**

*PURPOSE: To list the information the division will post publicly via electronic media.*

(1) The purpose of the Office of Statewide Electrical Contractors within the Division of Professional Registration is to regulate electrical contractors to protect the public from harm caused by dangerous, dishonest, incompetent, or unqualified electrical contractors and to implement and carry out a system to license those applicants who have the skills and competency to practice as electrical contractors anywhere within Missouri.

(2) Any person may request information or make a submission to the Office of Statewide Electrical Contractors by writing to PO Box, 1335, 3605 Missouri Boulevard, Jefferson City, MO, 65102-1335, by email to [osec@pr.mo.gov](mailto:osec@pr.mo.gov), by calling 573-522-3280, or by faxing 573- 751-6301. The TTY number is 800-735-2966 and the Voice Relay number is 800-735-2466.

(3) The division shall maintain a website or other public electronic media that contains the following:

- (A) A list of current and unexpired statewide electrical contractor licensees;
- (B) A listing of all disciplinary actions taken against any licensee;
- (C) Information about how to file a complaint alleging a violation of the statewide electrical contractor licensing statutes or regulations;
- (D) A list of examinations approved for licensure; and
- (E) Any other information deemed relevant by the division.

*AUTHORITY: sections 324.910.1, 324.940.2, and .5, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately one hundred eighty-nine dollars (\$189) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at [SEC@pr.mo.gov](mailto:SEC@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2117 - Electrical Contractors**

**Chapter 1 - Definitions and General Organization**

**Proposed Rule - 20 CSR 2117-1.020 General Organization**

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$189

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries regarding licensure, processing and reviewing applications for completeness, corresponding with the applicant, and verify records.
- 2) Expense and equipment costs are incurred for office expenses relating to researching, reviewing and updating the division website.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 0%	Enforcement - 1%
Personal Service	\$0	\$116
Expense & Equipment	\$0	\$23
Transfers	\$0	\$50
<b>TOTAL</b>	<b>\$0</b>	<b>\$189</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3— Allocation of Expense &amp; Equipment

Allotment	Percentage & Category	Dollar Amount
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 1% of the total time involving the administration of the proposed rule will be spent on licensure efforts and no time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Electrical Contractors  
Chapter 1—General Rules**

**PROPOSED RULE**

**20 CSR 2117-1.030 Public Records**

*PURPOSE: To set forth policies of which records are open and which records are closed to the public.*

- (1) All open public records related to electrical contractor licenses will be open for inspection and copying by the general public at the division's office during normal business hours, holidays excepted.
- (2) The division director, or his or her designee, shall serve as custodian of these records as required by section 610.023, RSMo.
- (3) The division closes all records required by statute to be closed.

*AUTHORITY: section 324.910.1 RSMo Supp. 2017, and sections 610.010-.200, RSMo 2016. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately one hundred eighty-nine dollars (\$189) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## PUBLIC FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Electrical Contractors

Chapter 1 - Definitions and General Organization

Proposed Rule - 20 CSR 2117-1.030 Public Records

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$189

## III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries regarding licensure, processing and reviewing applications for completeness, corresponding with the applicant, and verify records.
- 2) Expense and equipment costs are incurred for office expenses relating to researching, inspecting and copying the records.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 1%
Personal Service	\$0	\$116
Expense & Equipment	\$0	\$23
Transfers	\$0	\$50
<b>TOTAL</b>	<b>\$0</b>	<b>\$189</b>

## IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

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Allotment	Percentage & Category	Dollar Amount
\$7,753	70% Licensure	\$5,427
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Allotment	Percentage & Category	Dollar Amount
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that no time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 1—General Rules**

**PROPOSED RULE**

**20 CSR 2117-1.040 Certifying Entities**

*PURPOSE: To establish the use of certifying entities.*

(1) The division will post on its website any approved certifying entities.

(2) If the division determines to utilize any certifying entities, the division will enter into a contractual relationship with the certifying entity in accord with all state laws related to public contracts.

*AUTHORITY: sections 324.910, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four hundred forty dollars (\$440) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*



PUBLIC FISCAL NOTE

**I. RULE NUMBER**

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Electrical Contractors

Chapter 1 - Definitions and General Organization

Proposed Rule - 20 CSR 2117-1.040 Certifying Entities

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$440

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries regarding licensure, processing and reviewing applications for completeness, corresponding with the applicant, and verify records.
- 2) Expense and equipment costs are incurred for office expenses relating to researching, inspecting and copying the records.
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$270	\$0
Expense & Equipment	\$54	\$0
Transfers	\$117	\$0
<b>TOTAL</b>	<b>\$440</b>	<b>\$0</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3– Allocation of Expense &amp; Equipment

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4– Allocation of Transfer Dollars

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 2% of the time involving the administration of the proposed rule will be spent on licensure efforts and no time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 1—General Rules**

**PROPOSED RULE**

**20 CSR 2117-1.050 Name and Address Change**

*PURPOSE: This rule requires licensees to inform the Office of Statewide Electrical Contractors of any name or address changes.*

(1) Licensees shall keep the division informed of his or her legal name, mailing address, and telephone number. Any change shall be reported to the division in writing within thirty (30) days.

(2) A change in legal name shall include a copy of the appropriate documentation verifying the name change.

*AUTHORITY: section 324.910, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four hundred forty dollars (\$440) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## PUBLIC FISCAL NOTE

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2117 - Office of Statewide Electrical Contractors**  
**Chapter 1 - Definitions and General Organization**  
**Proposed Rule - 20 CSR 2117-1.050 Name and Address Change**

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$440

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries regarding licensure, processing and reviewing applications for completeness, corresponding with the applicant, and verify records.
- 2) Expense and equipment costs are incurred for office expenses relating to researching, reviewing and updating the division website.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$270	\$0
Expense & Equipment	\$54	\$0
Transfers	\$117	\$0
<b>TOTAL</b>	<b>\$440</b>	<b>\$0</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2– Allocation of Personal Service Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

**Table 3– Allocation of Expense & Equipment**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

**Table 4– Allocation of Transfer Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 2% of the time involving the administration of the proposed rule will be spent on licensure efforts and no time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 1—General Rules**

**PROPOSED RULE**

**20 CSR 2117-1.060 Duplicate License**

*PURPOSE: This rule will set out the manner by which a licensee can obtain a duplicate license.*

(1) A licensee may request a duplicate license by making written request to the division indicating the need for the duplicate and submitting the required fee as established by the division.

*AUTHORITY: sections 324.910, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four hundred forty dollars (\$440) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

**I. RULE NUMBER**

Title 20 - Department of Insurance, Financial Institutions and Professional Registration  
Division 2117 - Office of Statewide Electrical Contractors  
Chapter 1 -Definitions and General Organization  
Proposed Rule - 20 CSR 2117-1.060 Duplicate License

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$440

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to respond to requests for public information.
- 2) Expense and equipment costs are incurred for division expenses for preparing board agendas, request for public information, and for board member travel expenses to attend the meeting.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$270	\$0
Expense & Equipment	\$54	\$0
Transfers	\$117	\$0
<b>TOTAL</b>	<b>\$440</b>	<b>\$0</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3— Allocation of Expense &amp; Equipment

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4— Allocation of Transfer Dollars

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 2% of the time involving the administration of the proposed rule will be spent on licensure efforts and no time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)



**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 1—General Rules**

**PROPOSED RULE**

**20 CSR 2117-1.070 Fees**

*PURPOSE: To set forth the fees authorized by statute.*

(1) The division establishes the following fees:

(A) License Application Fee	\$200
(B) Triennial Renewal Fee	\$200
(C) Inactive Triennial Renewal Fee	\$100
(D) Reactivation Fee	\$100
(E) Reinstatement Fee	\$250
(F) Temporary License Fee	\$100
(G) Duplicate License	\$ 10
(H) Verification of License	\$ 10
(I) Insufficient Check Fee	\$ 25

(2) All fees are nonrefundable.

*AUTHORITY: section 324.910, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately one thousand three hundred twenty-one dollars (\$1,321) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities approximately two hundred eighty-four thousand three hundred twenty-five dollars (\$284,325) during the first year of implementation and three hundred thousand one hundred twenty-five dollars (\$300,125) during the second year of implementation and triennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## PUBLIC FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration  
 Division 2117 - Office of Statewide Electrical Contractors  
 Chapter 1 -Definitions and General Organization  
 Proposed Rule - 20 CSR 2117-1.070 Fees

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$1,321

## III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries regarding licensure, processing and reviewing applications for completeness, corresponding with the applicant, and verify records.
- 2) Expense and equipment costs are incurred for office expenses relating to researching, reviewing and updating the division website.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 3%	Enforcement - 0%
Personal Service	\$809	\$0
Expense & Equipment	\$163	\$0
Transfers	\$350	\$0
<b>TOTAL</b>	<b>\$1,321</b>	<b>\$0</b>

## IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2– Allocation of Personal Service Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

**Table 3– Allocation of Expense & Equipment**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

**Table 4– Allocation of Transfer Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 2% of the time involving the administration of the proposed rule will be spent on licensure efforts and no time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

## PRIVATE FISCAL NOTE

## I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Office of Statewide Electrical Contractors

Chapter 1 - General Rules

Proposed Rule - 20 CSR 21117-1.070 Fees

## II. SUMMARY OF FISCAL IMPACT

## 1st Year of Implementation of the Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
1,421	Electrical Contractor ( Application Fee @ \$200)	\$284,200
1	Electrical Contractor (Temporary License Fee @ \$100)	\$100
1	Electrical Contractor (Insufficient Check Fee @ \$25)	\$25
<b>Estimated Cost of Compliance During the First Year of Implementation of the Rule</b>		<b>\$284,325</b>

## Second Year of Implementation and Triennially Thereafter

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated triennial cost of compliance with the amendment by affected entities:
43	Electrical Contractor ( Application Fee @ \$200)	\$8,600
10	Electrical Contractor (Inactive Renewal License Fee @ \$100)	\$1,000
1,433	Electrical Contractor (Renewal Fee @ \$200)	\$286,600
10	Electrical Contractor (Reinstatement Fee @ \$250)	\$2,500
10	Electrical Contractor (Reactivation of License Fee @ \$100)	\$1,000
1	Electrical Contractor (Temporary License Fee @ \$100)	\$100
10	Electrical Contractor (Duplicate License Fee @ \$10)	\$100

10	Electrical Contractor (Verification Fee @ \$10)	\$100
5	Electrical Contractor (Insufficient Check Fee @ \$25)	\$125
<b>Estimated Triennial Cost of Compliance for the Life of the Rule</b>		<b>\$300,125</b>

### III. WORKSHEET

See Table Above

### IV. ASSUMPTION

1. The electrical contractor numbers were provided by U.S. Census Bureau website from 2012 with a 3% growth estimate per year to estimate the total of 1421 individuals that seek licensure. The number of new applicants in the second year is based on the 3% growth estimate as well. Triennial renewal thereafter is based on same growth rate.
2. Private entity costs were determined based on the estimated number of licensees explained in number 1 and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
3. Not all fees and costs are reported in this fiscal note. Please refer to 20 CSR 2117-2.010, 20 CSR 2117-2.030, 20 CSR 2117-2.040, 20 CSR 2117-2.050, and 20 CSR 2117-2.080 for additional expenses. Applicants and licensees will be required to pay the fees and costs as required by the respective rule.

Note: The division is statutorily obligated to enforce and administer the provisions of sections 324.900 to 324.945, RSMo. Pursuant to section 324.910, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 324.900 to 324.945, RSMo, at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 324.900 to 324.945.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 2—Licensure Requirements**

**PROPOSED RULE**

**20 CSR 2117-2.010 Application for License**

*PURPOSE: This rule sets forth the procedures for applying for a statewide electrical contractor license.*

(1) To apply for a statewide electrical contractor license, the applicant must submit the division provided application form, pay any applicable fees, and submit proof of the following:

(A) Liability insurance of at least five hundred thousand dollars (\$500,000) in the form of a Certificate of Insurance issued by an insurance company licensed to do business. A Certificate of Insurance issued by an agent is not acceptable;

(B) Bonds required by any political subdivision have been posted;

(C) A passing score on a division approved examination; and

(D) Having one (1) or more of the following education and/or experience:

1. Twelve thousand (12,000) verifiable practical hours installing equipment and associated wiring;

2. Ten thousand (10,000) verifiable practical hours installing equipment and associated wiring and evidence of receipt of an electrical journeyman certificate from a United States Department of Labor-approved electrical apprenticeship program;

3. Eight thousand (8,000) verifiable practical hours installing equipment and associated wiring and evidence of receipt of an associate's degree from a state-accredited program;

4. Four thousand (4,000) verifiable practical hours supervising the installation of equipment and associated wiring and evidence of receipt of a qualified four (4) year electrical engineering degree; or

5. A copy of an electrical contractor or master electrician occupational or business license issued by any Missouri political subdivision that has been current and active for six (6) of the previous eight (8) years. The local license must be verified by the licensing entity as being current and active and not subject to discipline.

(2) Passage of an approved examination may be shown by submission of any combination of the following:

(A) Examination scores transmitted to the division by the testing entity;

(B) Examination scores from the applicant received from the testing entity;

(C) A copy of a local license if that license required an examination approved by the division. The local license must be verified by the licensing entity as being current and active, not subject to discipline, and include documentation regarding the requirements met in order to obtain the local license including verification of the name of the examination taken and that the applicant achieved a passing score. A political subdivision may be either a Missouri political subdivision or another state's political subdivision; or

(D) A copy of a state license if that license required an examination approved by the division. The state license must be verified by the licensing entity as being current and active, not subject to discipline, and include documentation regarding the requirements met for licensure including the name of the examination taken and that the applicant received a passing score.

(3) Verifiable practical hours may be shown by submission of any combination of:

(A) Copies of W-2 forms accompanied by affidavit or original notarized letter on company letterhead detailing the hours completed, the dates of such work, and the type of work done;

(B) Affidavits from employers or others with first-hand knowledge detailing the hours completed, the dates of such work, and the type of work done;

(C) A copy of a local license that required experience substantially similar to the requirements for a Missouri statewide license. The local license must be verified by the licensing entity as being current and active, not subject to discipline, and include documentation regarding the requirements met in order to obtain the local license including verification of the hours and/or experience. A political subdivision may be either a Missouri political subdivision or another state's political subdivision;

(D) A copy of a state license if that license required experience substantially similar to the requirements for a Missouri statewide license. The state license must be verified by the licensing entity as being current and active, not subject to discipline, and include documentation regarding the requirements met in order to obtain the local license including verification of the hours and/or experience; or

(E) Any other documents accepted by the division that verify hours completed, dates of which work, and the type of work done.

(4) Any degree must be verified by an original sealed transcript or by a transcript electronically sent to the division directly from the school, college, or university.

(5) Any college or university degree must be from a college or university accredited by a state or regional accrediting body approved by the division.

(6) Any application that is not completed within twenty-four (24) months from the date it is first submitted to the division will be deemed invalid and a new application and fees will be required if the applicant wishes to continue to seek licensure.

(7) Applicants who are approved for licensure will receive one (1) license. Duplicate licenses may be provided pursuant to rule.

*AUTHORITY: section 324.910, RSMo Supp. 2017 and section 324.920, RSMo Supp. 2018. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately nineteen thousand nine hundred thirty-eight dollars (\$19,938) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities approximately one thousand two hundred seventy-eight dollars and ninety cents dollars (\$1,278.90) during the first year of implementation, and seventy-eight dollars and seventy cents (\$78.70) during the second year of implementation and annually thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**

**Division 2117 - Office of Statewide Electrical Contractors**

**Chapter 2 - Licensure Requirements**

**Proposed Rule - 20 CSR 2117-2.010 Application for License**

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$19,938

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries regarding licensure, processing and reviewing applications for completeness, corresponding with the applicant, and verify records.
- 2) Expense and equipment costs are incurred for office expenses relating to the issuance of licenses.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 44%	Enforcement - 3%
Personal Service	\$11,858	\$347
Expense & Equipment	\$2,388	\$70
Transfers	\$5,126	\$150
<b>TOTAL</b>	<b>\$19,372</b>	<b>\$566</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3— Allocation of Expense &amp; Equipment

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4— Allocation of Transfer Dollars

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 40% of the time involving the administration of the proposed rule will be spent on licensure efforts and no time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)



**PRIVATE FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2117 - Office of Statewide Electrical Contractors**  
**Chapter 2 - Licensure Requirements**  
**Proposed Rule - 20 CSR 21117-2.010 Application for License**

**II. SUMMARY OF FISCAL IMPACT**

**1st Year of Implementation of the Rule**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the rule by affected entities:</b>
1421	Electrical Contractor Applicants (Postage @ \$0.90)	\$1,278.90
14	Electrical Contractor Applicants (Transcript @ \$10.00)	\$140.00
<b>Estimated Cost of Compliance During the First Year of Implementation of the Rule</b>		<b>\$1,278.90</b>

**2nd Year of Implementation of the Rule and Annually Thereafter**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the rule by affected entities:</b>
43	Electrical Contractor Applicants (Postage @ \$0.90)	\$38.70
4	Electrical Contractor Applicants (Transcript @ \$10.00)	\$40.00
<b>Total Cost of Compliance Beginning the Second Year of Implementation and Continuing Annually Thereafter</b>		<b>\$78.70</b>

**III. WORKSHEET**

See table above.

#### IV. ASSUMPTION

1. The electrical contractor numbers were provided by U.S. Census Bureau website from 2012 with a 3% growth estimate per year to estimate the total of 1421 individuals that seek licensure. The number of new applicants in the second year is based on the 3% growth estimate as well.
2. Private entity costs were determined based on the estimated number of licensees explained in number 1 and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
3. Applicants may incur minimal photocopy expenses to submit documents to the office. Photocopy expenses are not being calculated in this fiscal note.
4. Not all fees are reported in this fiscal note. Please refer to 20 CSR 2117-1.070 for application fees. Applicants and licensees will be required to pay the fees and costs as required by the respective rule.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The division is statutorily obligated to enforce and administer the provisions of sections 324.900 to 324.945, RSMo. Pursuant to section 324.910, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 324.900 to 324.945, RSMo, at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 324.900 to 324.945.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 2—Licensure Requirements**

**PROPOSED RULE**

**20 CSR 2117-2.020 Approved Examinations**

*PURPOSE:* To establish the examinations approved for licensure.

- (1) The division will approve examinations that are based upon the National Electrical Code, nationally standardized, and administered by an independent professional testing agency not affiliated with a political subdivision or the state of Missouri.
- (2) Examinations for electrical contractor, master level electrician, and journeyman level electrician will be acceptable examinations for licensure.
- (3) The division will post on its website all examinations that it will accept for licensure.
- (4) The applicant will be responsible to pay for all costs of examination to the appropriate entity.

*AUTHORITY:* section 324.910 RSMo Supp. 2017 and section 324.920, RSMo Supp. 2018. Original rule filed Dec. 14, 2018.

*PUBLIC COST:* This proposed rule will cost state agencies or political subdivisions approximately four hundred forty dollars (\$440) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*PRIVATE COST:* This proposed rule will cost private entities approximately four hundred ninety dollars (\$490) to nine hundred twenty-eight dollars (\$928) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at [OSEC@pr.mo.gov](mailto:OSEC@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

## PUBLIC FISCAL NOTE

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2117 - Office of Statewide Electrical Contractors**  
**Chapter 2 - Licensure Requirements**  
**Proposed Rule - 20 CSR 2117-2.020 Approved Examinations**

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$440

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries regarding licensure, processing and reviewing applications for completeness, corresponding with the applicant, and verify records.
- 2) Expense and equipment costs are incurred for office expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$270	\$0
Expense & Equipment	\$54	\$0
Transfers	\$117	\$0
<b>TOTAL</b>	<b>\$440</b>	<b>\$0</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Alotment	Percentage & Category	Dollar Amount
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3– Allocation of Expense & Equipment

Alotment	Percentage & Category	Dollar Amount
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4– Allocation of Transfer Dollars

Alotment	Percentage & Category	Dollar Amount
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 2% of the time involving the administration of the proposed rule will be spent on licensure efforts and no time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

## PRIVATE FISCAL NOTE

**I. RULE NUMBER**

Title 20 -Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Office of Statewide Electrical Contractors

Chapter 2 - Licensure Requirements

Proposed Rule - 20 CSR 21117-2.020 Approved Examinations

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
5	Examination (Examination costs at @ \$98 to \$185.50)	\$490 to \$928
	<b>Estimated Annual Cost for the Life of the Rule</b>	<b>\$490 to \$928</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The office anticipates very few applicants will be required to take the examination at the time of application based upon communications with potential applicants.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The division is statutorily obligated to enforce and administer the provisions of sections 324.900 to 324.945, RSMo. Pursuant to section 324.910, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 324.900 to 324.945, RSMo, at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 324.900 to 324.945.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 2—Licensure Requirements**

**PROPOSED RULE**

**20 CSR 2117-2.030 Renewal of Licenses**

*PURPOSE: To set forth the process for renewal of licenses.*

- (1) Each licensee shall renew his or her license by September 30, 2020 and then every third year, thereafter by September 30 of that year.
- (2) To renew a statewide electrical contractor license, the licensee shall—
  - (A) Complete the renewal form required by the division; and
  - (B) Pay all applicable fees.
- (3) The division shall mail a renewal notice to the last known address of each licensee prior to the renewal date. Failure to receive such notice shall not relieve the licensee of the duty to renew timely his or her license.
- (4) Renewals shall be postmarked no later than the expiration date of the license to avoid any late fees as defined in 20 CSR 2117-1.070.
- (5) A license that is not renewed by the renewal deadline shall be placed in inactive status. The division will consider a license on inactive status due to failure to renew as lapsed.
- (6) While on inactive status, a licensee must continue to renew his or her license for each renewal cycle and pay the inactive renewal fee.
- (7) A license that is not renewed for two (2) years shall be void.

*AUTHORITY: sections 324.910 and 324.935, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four thousand one hundred fifty-one dollars (\$4,151) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities approximately seven hundred two dollars and seventeen cents (\$702.17) triennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## PUBLIC FISCAL NOTE

**I. RULE NUMBER**

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Office of Statewide Electrical Contractors

Chapter 2 - Licensure Requirements

Proposed Rule - 20 CSR 2117-2.030 Renewal of License

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$4,151

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to answer inquiries regarding the expiration dates of licenses and verify license status to members of the general public.
- 2) Expense and equipment costs are incurred from office expenses related to requests for public information.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 9%	Enforcement - 1%
Personal Service	\$2,426	\$116
Expense & Equipment	\$488	\$23
Transfers	\$1,049	\$50
<b>TOTAL</b>	<b>\$3,962</b>	<b>\$189</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)



Table 2-- Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3-- Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4-- Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 10% of the time involving the administration of the proposed rule will be spent on licensure efforts and no time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

## PRIVATE FISCAL NOTE

## I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration**

**Division 2117 - Office of Statewide Electrical Contractors**

**Chapter 2 - Licensure Requirements**

**Proposed Rule - 20 CSR 21117-2.030 Renewal of Licenses**

## II. SUMMARY OF FISCAL IMPACT

## 2nd Year of Implementation of the Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1433	Renewal Applicants (Postage @ \$0.49)	\$702.17
	<b>Estimated Triennial Cost for the Life of the Rule</b>	<b>\$702.17</b>

## III. WORKSHEET

See table above.

## IV. ASSUMPTION

1. The number of licensees renewing their triennial license is based on the estimated number of licensees and anticipated 3% growth rate reported in the fiscal note accompanying 20 CSR 2117-1.070 and 20 CSR 2117-2.010.
2. The office anticipates a 3% increase in the number of licensees renewing their license based on the same factors in number 1.
3. Not all fees are reported in this fiscal note. Please refer to 20 CSR 2117-1.070 for application fees. Applicants and licensees will be required to pay the fees and costs as required by the respective rule.
4. The expenses described above do not result in any revenue to the office.
5. It is anticipated that the total cost will recur triennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The division is statutorily obligated to enforce and administer the provisions of sections 324.900 to 324.945, RSMo. Pursuant to section 324.910, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 324.900 to 324.945, RSMo, at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 324.900 to 324.945.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 2—Licensure Requirements**

**PROPOSED RULE**

**20 CSR 2117-2.040 Voluntary Inactive License Status**

*PURPOSE: To set forth the process for a licensee to place his or her license on inactive status.*

(1) A licensee may request his or her license be placed on inactive status by—

(A) Submitting to the division the written request; and

(B) Providing written affirmation to the division that he or she will not hold him or herself out as possessing a statewide electrical contractor license during the time his or her license is on inactive status.

(2) The division shall provide written notice to the licensee of the effective date of the inactive status.

(3) While on inactive status, a licensee must continue to renew his or her license for each renewal cycle and pay the inactive renewal fee.

(4) A license that is inactive may still be subject to discipline.

*AUTHORITY: sections 324.910 and 324.935, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four hundred forty dollars (\$440) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities four dollars and ninety cents (\$4.90) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## PUBLIC FISCAL NOTE

**I. RULE NUMBER**

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Office of Statewide Electrical Contractors

Chapter 2 - Licensure Requirements

Proposed Rule - 20 CSR 2117-2.040 Voluntary Inactive License Status

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$440

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for office expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$270	\$0
Expense & Equipment	\$54	\$0
Transfers	\$117	\$0
<b>TOTAL</b>	<b>\$440</b>	<b>\$0</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2– Allocation of Personal Service Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

**Table 3– Allocation of Expense & Equipment**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

**Table 4– Allocation of Transfer Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 1% of the time involving the administration of the proposed rule will be spent on licensure efforts and no time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

## PRIVATE FISCAL NOTE

## I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2117 - Office of Statewide Electrical Contractors**  
**Chapter 2 - Licensure Requirements**  
**Proposed Rule - 20 CSR 21117-2.040 Voluntary Inactive License Status**

## II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
10	Voluntary Inactive Applicant (Postage @ \$0.49)	\$4.90
	<b>Estimated Annual Cost of Compliance For the Life of the Rule</b>	<b>\$4.90</b>

## III. WORKSHEET

See table above.

## IV. ASSUMPTION

1. The division used numbers provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year to estimate the total of 1421 individuals that initially seek licensure and estimated the number impacted.
2. Private entity costs were determined based on the estimated number of licensees explained in number 1 and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
3. Not all fees are reported in this fiscal note. Please refer to 20 CSR 2117-1.070 for application fees. Applicants and licensees will be required to pay the fees and costs as required by the respective rule.
4. The expenses described above do not result in any revenue to the office.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The division is statutorily obligated to enforce and administer the provisions of sections 324.900 to 324.945, RSMo. Pursuant to section 324.910, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 324.900 to 324.945, RSMo, at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 324.900 to 324.945.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 2—Licensure Requirements**

**PROPOSED RULE**

**20 CSR 2117-2.050 Reinstatement of License**

*PURPOSE: To set forth the process for a licensee on inactive status to restore the license to active status.*

(1) If a license is placed on inactive status due to failure to renew, the division will consider that license lapsed. If less than two (2) years following the renewal date, a licensee may seek to restore the license by submitting the following:

- (A) The completed form requesting reinstatement; and
- (B) The reinstatement fee as established by the division.

(2) If a licensee seeks to restore to active a license that has been voluntarily placed on inactive status, the licensee may seek reactivation by submitting the following:

- (A) The completed form requesting reactivation; and
- (B) The current reactivation fee as established by the division.

*AUTHORITY: sections 324.910 and 324.935, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six hundred twenty-nine dollars (\$629) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities four dollars and ninety cents (\$4.90) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at [OSEC@pr.mo.gov](mailto:OSEC@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## PUBLIC FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Office of Statewide Electrical Contractors

Chapter 2 - Licensure Requirements

Proposed Rule - 20 CSR 2117-2.050 Reinstatement of License

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$629

## III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for office expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 1%
Personal Service	\$270	\$116
Expense & Equipment	\$54	\$23
Transfers	\$117	\$50
<b>TOTAL</b>	<b>\$440</b>	<b>\$189</b>

## IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)



Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3— Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that no time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

## PRIVATE FISCAL NOTE

**I. RULE NUMBER****Title 20 -Department of Insurance, Financial Institutions and Professional Registration****Division 2117 - Office of Statewide Electrical Contractors****Chapter 2 - Licensure Requirements****Proposed Rule - 20 CSR 2117-2.050 Reinstatement of License****II. SUMMARY OF FISCAL IMPACT**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the rule by affected entities:</b>
10	Reinstatement of License Applicant (Postage @ \$0.49)	\$4.90
	<b>Estimated Annual Cost of Compliance For the Life of the Rule</b>	<b>\$4.90</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The division used numbers provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year to estimate the total of 1,421 individuals that initially seek licensure and estimated the number impacted.
2. Private entity costs were determined based on the estimated number of licensees explained in number 1 and projected costs incurred by the office. In the future, the office will assess fees based on actual costs and actual number of licensees.
3. Applicants may incur minimal photocopy expenses to submit documents to the office. Photocopy expenses are not being calculated in this fiscal note.
4. Not all fees are reported in this fiscal note. Please refer to 20 CSR 2117-1.070 for application fees. Applicants and licensees will be required to pay the fees and costs as required by the respective rule.
5. The expenses described above do not result in any revenue to the office.
6. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The division is statutorily obligated to enforce and administer the provisions of sections 324.900 to 324.945, RSMo. Pursuant to section 324.910, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 324.900 to 324.945, RSMo, at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 324.900 to 324.945.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 2—Licensure Requirements**

**PROPOSED RULE**

**20 CSR 2117-2.060 Military Training to Meet Requirements for Licensure**

*PURPOSE: This rule requires the division to accept evidence of military education, training, or service to be applied toward the requirements for licensure.*

(1) Any applicant for licensure may, as part of the evidence of meeting the requisite educational and/or training requirements for licensure, submit evidence of military experience as a member of the military.

(2) The division shall review the evidence submitted and, if appropriate, make additional inquiry of the applicant to determine the scope and duties of the military experience to determine whether the military experience shall be counted towards the qualifications for licensure.

(3) In its review of the military experience, the division shall evaluate the content and nature of the military experience to determine whether that military experience shall count towards the education, training, or service requirements for licensure. The division shall construe liberally the military experience in determining whether it will count towards the education, training, or service requirements for licensure.

(4) "Military experience" shall mean education, training, or service completed by an applicant while a member of the United States armed forces or reserves, the national guard of any state, the military reserves of any state, or the naval militia of any state.

*AUTHORITY: section 324.007, RSMo 2016 and section 324.910.1, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four hundred forty dollars (\$440) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Office of Statewide Electrical Contractors

Chapter 2 - Licensure Requirements

Proposed Rule - 20 CSR 2117-2.060 Military Training to Meet Requirements for Licensure

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$440

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for office expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$270	\$0
Expense & Equipment	\$54	\$0
Transfers	\$117	\$0
TOTAL	\$440	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Alotment	Percentage & Category	Dollar Amount
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3– Allocation of Expense &amp; Equipment

Alotment	Percentage & Category	Dollar Amount
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4– Allocation of Transfer Dollars

Alotment	Percentage & Category	Dollar Amount
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that no time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 2—Licensure Requirements**

**PROPOSED RULE**

**20 CSR 2117-2.070 Renewal of Licenses for Military Members**

*PURPOSE: This rule sets forth the procedure for renewal of a license held by a licensee on active military duty and for discipline of a license held by a licensee on active military duty.*

(1) Any licensee who holds a current license and is a member of any United States military or State of Missouri military, including any reserve members and any member of the United States Public Health Service, who is engaged in the active duty in the military service of the United States or the State of Missouri and who is engaged in the performance of active duty in the military service of the United States in a military conflict in which reserve components have been called to active duty for any period of more than thirty (30) days and who have had any license lapse while performing this military service, may renew/reinstate such license without penalty by:

(A) Filing with the division a Notice of Active Military Duty on a form provided by the division or by written communication accepted by the division that shall be signed and dated by the licensee and shall contain the licensee's name, address, the type of license, and license number of the licensee, the date of active duty activation, and shall be accompanied by a copy of the licensee's active duty orders or other evidence sufficient for the division to determine the dates of active military duty by licensee; and

(B) Such Notice of Active Military Duty shall be filed with the division along with the request for license reinstatement no later than sixty (60) days of completion of the active duty military service.

(2) Upon filing the Notice of Active Military Duty, the division shall reinstate licensee's license with no further requirements, retroactive to the last renewal.

(3) If, at the time of activation, licensee's license was subject to discipline, the disciplinary period shall be stayed during the time of licensee's active duty military service and shall be reinstated at the time the license is reinstated. However, if the conditions of the discipline require the licensee to take any action or meet any obligations, licensee shall have at least one hundred eighty (180) days after the end of his or her active military duty to take those actions or fulfill those obligations.

(4) If during the time licensee is on active military duty, the division desires to pursue any disciplinary or administrative action against any license of the licensee, the division shall stay any such action until at least sixty (60) days after the end of the active military duty.

(5) Active military duty shall mean full time duty in the active military service of the United States or the State of Missouri as defined in Section 101(a)(5), Title 10 of the U.S. Code and section 41.030, RSMo.

*AUTHORITY: section 41.950 RSMo 2016 and section 324.910, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six hundred twenty-nine dollars (\$629) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## PUBLIC FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Office of Statewide Electrical Contractors

Chapter 2 - Licensure Requirements

Proposed Rule - 20 CSR 2117-2.070 Renewal of Licenses for Military Members

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$629

## III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications, enter data into the division's licensing system, and respond to requests for public information.
- 2) Expense and equipment costs are incurred for office expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 1%
Personal Service	\$270	\$116
Expense & Equipment	\$54	\$23
Transfers	\$117	\$50
<b>TOTAL</b>	<b>\$440</b>	<b>\$189</b>

## IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)



**Table 2— Allocation of Personal Service Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

**Table 3— Allocation of Expense & Equipment**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

**Table 4— Allocation of Transfer Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that no time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 2—Licensure Requirements**

**PROPOSED RULE**

**20 CSR 2117-2.080 Issuance of Temporary Courtesy License to Nonresident Military Spouse**

*PURPOSE:* This rule states the requirements and procedures for a nonresident spouse of an active duty member of the military who is transferred to this state in the course of the member's military duty to obtain a temporary courtesy license to practice as an electrical contractor for one hundred eighty (180) days.

(1) The division shall grant a temporary courtesy license to practice as an electrical contractor without meeting further requirements for licensure to a "nonresident military spouse" as defined in subsection 324.008.1, RSMo who provides the division with the following:

- (A) A completed application form;
- (B) The non-refundable application fee;
- (C) Verification sent directly to the division from the state, district, or territory from where the applicant holds a current and active license verifying that the applicant holds a current and active license;
- (D) Proof that the applicant has been engaged in active practice in the state, district, or territory of the United States in which the applicant is currently licensed for at least two (2) years in the five (5) years immediately preceding this application;
- (E) Verification sent directly to division from each state, district, or territory of the United States in which the applicant has ever been licensed verifying that—
  - 1. The applicant is, or was at the time of licensure, in good standing;
  - 2. The applicant has not committed an act in any jurisdiction where the applicant has or had a license that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice at the time the act was committed; and
  - 3. The applicant has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding by a licensing or credentialing entity in another jurisdiction;
- (F) If the division is unable to determine if the licensing requirements of the state, district, or territory in which the applicant is currently licensed are equivalent to Missouri's licensing requirements, the applicant shall submit documentation regarding the licensing requirements equivalency; and
- (G) Such additional information as the division may request to determine eligibility for a temporary courtesy license.

(2) Any temporary courtesy license issued pursuant to this rule shall be valid for one hundred eighty (180) days from the date of issuance and may be extended for another one hundred eighty (180) days upon submission of a written request by the holder of the temporary courtesy license.

(3) If a nonresident military spouse seeks full licensure in this state during the time while the temporary courtesy license is valid, he or she may request full licensure by filing a written request with the division. Any fees paid for a temporary courtesy license shall be credited towards the application fees due for full licensure.

*AUTHORITY:* sections 324.008, RSMo 2016, and section 324.910, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.

*PUBLIC COST:* This proposed rule will cost state agencies or political subdivisions approximately four hundred forty dollars (\$440) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*PRIVATE COST:* This proposed rule will cost private entities approximately ten dollars and ninety cents (\$10.90) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at [OSEC@pr.mo.gov](mailto:OSEC@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Office of Statewide Electrical Contractors

Chapter 2 - Licensure Requirements

Proposed Rule - 20 CSR 2117-2.080 Issuance of Temporary Courtesy License to Nonresident Military Spouse

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$440

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process applications and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for office expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement - 0%
Personal Service	\$270	\$0
Expense & Equipment	\$54	\$0
Transfers	\$117	\$0
TOTAL	\$440	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3— Allocation of Expense &amp; Equipment

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4— Allocation of Transfer Dollars

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that no time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**PRIVATE FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration**

**Division 2117 - Office of Statewide Electrical Contractors**

**Chapter 2 - Licensure Requirements**

**Proposed Rule - 20 CSR 21117-2.080 Issuance of Temporary Courtesy License to Nonresident Military Spouse**

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the rule by affected entities:</b>
1	Temporary Courtesy License (Postage @ \$0.90)	\$0.90
1	Temporary Courtesy License (Verification @ \$10.00)	\$10.00
<b>Estimated Triennial Cost of Compliance For the Life of the Rule</b>		<b>\$10.90</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The board anticipates that there will be very few nonresident military spouse temporary courtesy license applicants. It is estimated that the board will have approximately one applicant triennially that choose to apply through this route and will renew the temporary license.
2. Most states have eliminated the verification fee, however, the \$10 amount is an average verification fee charged by the remaining states.
3. Applicants may incur minimal photocopy expenses to submit documents to the office. Photocopy expenses are not being calculated in this fiscal note.
4. Not all fees are reported in this fiscal note. Please refer to 20 CSR 2117-1.070 for application fees. Applicants and licensees will be required to pay the fees and costs as required by the respective rule.
5. The expenses described above do not result in any revenue to the office.
6. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The division is statutorily obligated to enforce and administer the provisions of sections 324.900 to 324.945, RSMo. Pursuant to section 324.910, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 324.900 to 324.945, RSMo, at a level to produce revenue which will not substantially exceed the cost and expense of administering sections 324.900 to 324.945.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 3—Registration Requirements and Political  
Subdivisions**

**PROPOSED RULE**

**20 CSR 2117-3.010 Qualifier Requirement**

*PURPOSE: To set forth the requirements of a licensee to be designated as the qualifier for their company.*

(1) Every corporation, firm, institution, organization, company, or representative thereof engaged in electrical contracting under the statewide electrical contractor statute shall designate at least one (1) person as a qualifier who shall hold a statewide electrical contractor license.

(2) The qualifier must be an employee of the entity and serve at a supervisory level within the entity.

(3) Any licensee serving as a qualifier shall notify the division in writing on the form provided by the division.

(4) No licensee may serve as a qualifier for more than one (1) entity.

(5) Any entity may have more than one (1) qualifier.

(6) The qualifier shall be responsible for the work performed for any permit which he or she has obtained and for any work performed under his or her supervision.

*AUTHORITY: section 324.910 RSMo Supp. 2017 and section 324.920, RSMo Supp. 2018. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately one thousand six hundred ninety-eight dollars (\$1,698) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## PUBLIC FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration  
 Division 2117 - Office of Statewide Electrical Contractors  
 Chapter 3 -Registration Requirements and Political Subdivisions  
 Proposed Rule - 20 CSR 2117-3.010 Qualifier Requirement

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$1,698

## III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process registrations and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for office expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 3%	Enforcement - 2%
Personal Service	\$809	\$231
Expense & Equipment	\$163	\$47
Transfers	\$350	\$100
<b>TOTAL</b>	<b>\$1,321</b>	<b>\$377</b>

## IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)



Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3— Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that no time involving the administration of the proposed rule will be spent on licensure efforts and 5% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 3—Registration Requirements and Political  
Subdivisions**

**PROPOSED RULE**

**20 CSR 2117-3.020 Registration of Employment**

*PURPOSE: To set forth the process for a licensee to register employment with the division.*

- (1) A licensee shall maintain the name, address, and telephone number of each of his or her employer(s) with the division.
- (2) If a licensee changes employment from one (1) company to another, the licensee must clear all permits associated with his or her license.
- (3) A licensee must notify the division in writing at least ten (10) business days prior to a transfer of employment. The licensee shall complete the "Change of Employment Form" provided by the division that shall include:
  - (A) The name, address, and phone number of his or her current employer;
  - (B) The name, address, and phone number of his or her new employer;
  - (C) The dates the current employment ends and the new employment begins; and
  - (D) A list of all current active permits on the licensee's license including sufficient information about the permit to identify the permit and the name, address, and electronic contact information of the issuing jurisdiction.
- (4) Upon receipt of the Change of Employment Form, the division shall provide a written notice to each political subdivision where the licensee has registered to work of the licensee's intent to change employment.
- (5) Any political subdivision receiving notice of a change in employment shall, within seventy-two (72) hours of receipt, excluding weekends and holidays, notify the division of any uncleared permits or any other outstanding issues related to the permits. If no notice is received within that time frame, the division will deem the permits cleared for the purposes of this rule.

*AUTHORITY: sections 324.910 and 324.935, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately one thousand two hundred fifty-eight dollars (\$1,258) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at [OSEC@pr.mo.gov](mailto:OSEC@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration  
Division 2117 - Office of Statewide Electrical Contractors  
Chapter 3 -Registration Requirements and Political Subdivisions  
Proposed Rule - 20 CSR 2117-3.020 Registration of Employment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$1,258

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process registrations and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for office expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 2%	Enforcement - 2%
Personal Service	\$539	\$231
Expense & Equipment	\$109	\$47
Transfers	\$233	\$100
TOTAL	\$881	\$377

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3— Allocation of Expense &amp; Equipment

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4— Allocation of Transfer Dollars

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 2% of the time involving the administration of the proposed rule will be spent on licensure efforts and no time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 3—Registration Requirements and Political  
Subdivisions**

**PROPOSED RULE**

**20 CSR 2117-3.030 Suspension of Work in a Political Subdivision**

*PURPOSE: To set forth the process for a political subdivision to notify the division of suspension of a licensee by the political subdivision.*

(1) If a political subdivision suspends a licensee's work in that political subdivision per section 324.940.3, RSMo, the political subdivision shall provide a written notice to the division that includes:

(A) The licensee's name, address, and phone number;

(B) A brief statement of the reason for the suspension along with copies of any statutes, rules, code, or local ordinances that the licensee is alleged to have violated;

(C) Copies of any documents or other evidence supporting the suspension;

(D) The names, address, and phone numbers of any persons with knowledge of the alleged violations;

(E) The dates of suspension by the political subdivision;

(F) The name of the political subdivision;

(G) The name, address, and phone number of a contact person at the political subdivision; and

(H) Any other information the political subdivision wishes the division to have.

(2) Upon receipt of the notice of suspension from a political subdivision, the division will review that information, conduct any investigations it deems appropriate, and determine whether disciplinary or other legal action is warranted.

(3) Upon final decision, the division will notify the complaining political subdivision of the final action on the notice of suspension.

*AUTHORITY: sections 324.910 and 324.940, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately three hundred seventy-seven dollars (\$377) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## PUBLIC FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Office of Statewide Electrical Contractors

Chapter 3 -Registration Requirements and Political Subdivisions

Proposed Rule - 20 CSR 2117-3.030 Suspension of Work in a Political Subdivision

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$377

## III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to process suspensions and enter data into the division's licensing system.
- 2) Expense and equipment costs are incurred for office expenses relating to the issuance and mailing of licenses.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement - 2%
Personal Service	\$0	\$231
Expense & Equipment	\$0	\$47
Transfers	\$0	\$100
<b>TOTAL</b>	<b>\$0</b>	<b>\$377</b>

## IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3– Allocation of Expense & Equipment

Allotment	Percentage & Category	Dollar Amount
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 2% of the time involving the administration of the proposed rule will be spent on licensure efforts and no time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 4—Complaints**

**PROPOSED RULE**

**20 CSR 2117-4.010 Complaint Handling and Disposition  
Procedure**

*PURPOSE: To establish the procedures for the filing and handling of complaints against licensees and political subdivisions.*

(1) Any person, entity, or political subdivision may file a complaint with the division alleging violation of the statewide electrical contractor statutes or the regulations promulgated thereunder. Complaints must be filed on complaint forms provided by the division. Each complaint shall contain the name and address of the person making the complaint, the name, address, and license number (if known) of the licensee, a brief statement of the complaint and any additional information the complainant wishes to provide for the division to consider in its review of the complaint.

(2) Any licensee, person, entity, or political subdivision may file a complaint with the division alleging that a political subdivision failed to recognize a statewide license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within the political subdivision. These complaints must be filed on forms provided by the division and shall contain the name, address, and contact information of the person making the complaint; the name, address, and a contact person (if known) of the political subdivision against whom the complaint is filed, a brief statement of the facts supporting the violation, and any additional information for the division to consider in its review of the complaint.

(3) Anonymous complaints will not be accepted.

(4) Any division staff or investigator may file a complaint against either a licensee or a political subdivision.

(5) The division shall receive complaints by mail to PO Box 1335, 3605 Missouri Boulevard, Jefferson City, MO, 65102-1335, by fax to 573-751-6301, by email to [OSEC@pr.mo.gov](mailto:OSEC@pr.mo.gov), or by personal delivery or other means of delivery.

(6) Each complaint and the information contained in the complaint received by the division will be logged in a database maintained by the division. This database shall be a closed record of the division.

(7) Each complaint received under this rule shall be acknowledged in writing. The division shall notify the complainant as to the final outcome of the complaint be it dismissal, discipline, or other action. If the final disposition is any type of order or agreement, the division will provide access of that final order or agreement to the complainant.

(8) Upon receipt of a complaint, the division shall investigate each complaint. Each complaint will be sent to the person or entity against whom violations are alleged and that person or entity will be given a reasonable time to make a written response to the division. The division may conduct any additional investigation, in its discretion deemed necessary to determine whether there is cause for discipline or further action.

*AUTHORITY: sections 324.910 and 324.940, RSMo Supp. 2017 and section 324.925, RSMo Supp. 2018. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately one thousand eight hundred eighty-seven dollars (\$1,887) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at [OSEC@pr.mo.gov](mailto:OSEC@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*



PUBLIC FISCAL NOTE

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2117 - Office of Statewide Electrical Contractors**  
**Chapter 4 - Education and Training Requirements**  
**Proposed Rule - 20 CSR 2117-4.010 Complaint Handling and Disposition Procedure**

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$1,887

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to prepare for receiving complaints, acknowledging receipt of the complaint and logging the complaint into the office's tracking system.
- 2) Expense and equipment costs are incurred for office expenses relating to logging and maintaining complaints and corresponding with complainants.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 0%	Enforcement – 10%
Personal Service	\$0	\$1,155
Expense & Equipment	\$0	\$233
Transfers	\$0	\$499
<b>TOTAL</b>	<b>\$0</b>	<b>\$1,887</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3– Allocation of Expense &amp; Equipment

Allotment	Percentage & Category	Dollar Amount
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that no time involving the administration of the proposed rule will be spent on licensure efforts and 10% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2117—Office of Statewide Electrical Contractors  
Chapter 5—Ethical Standards**

**PROPOSED RULE**

**20 CSR 2117-5.010 Ethical Standards**

*PURPOSE: To set forth the ethical standards for electrical contractors.*

(1) Each holder of a statewide electrical contractor license shall comply with these ethical standards. A licensed electrical contractor shall—

(A) Have immediate personal possession of electrical license while performing electrical work;

(B) Perform electrical work for which a permit is required only after obtaining an electrical permit as required by the local political subdivision;

(C) Perform electrical work in compliance with applicable electrical codes and standards;

(D) Not intentionally charge a customer for work not performed or materials not provided;

(E) Not obtain electrical permits on behalf of an electrical contractor without the knowledge and permission of the electrical contractor;

(F) Not knowingly allow a hazardous situation to remain so that the public is unduly exposed to risk of injury;

(G) Not impersonate another licensee, or allow the use of his or her license by an unlicensed person;

(H) Not engage in conduct intended to defraud or deceive the public or any member of the public;

(I) Include his or her license number on any written contract;

(J) Not engage in the practice of electrical contracting if impaired by any drug or alcohol to an extent that continued practice is dangerous to any client or member of the public;

(K) Not engage in the practice of electrical contracting if under any physical or mental disability or other condition so that continued practice is dangerous to clients or to the public;

(L) Exercise due care in the supervision of electrical work of licensed and unlicensed persons under his or her supervision;

(M) Complete, in a timely manner, work agreed to be performed and paid for by a customer; and

(N) Perform all work for customers in a competent and compliant manner.

*AUTHORITY: section 324.910, RSMo Supp. 2017. Original rule filed Dec. 14, 2018.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately nine hundred forty-three dollars (\$943) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Statewide Electrical Contractors, PO Box 1335, Jefferson City, MO 65102, via facsimile at (573) 751-6301, or via email at OSEC@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## PUBLIC FISCAL NOTE

## I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2117 - Office of Statewide Electrical Contractors

Chapter 5 - Ethical Standards

Proposed Rule - 20 CSR 2063-5.010 Ethical Standards

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Office of Statewide Electrical Contractors	\$943

## III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to conduct inspections and investigations.
- 2) Expense and equipment costs are incurred for office expenses relating to inspections and investigations.
- 3) Transfers are costs incurred for division and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 5%
Personal Service	\$0	\$578
Expense & Equipment	\$0	\$116
Transfers	\$0	\$250
<b>TOTAL</b>	<b>\$0</b>	<b>\$943</b>

## IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Office of Statewide Electrical Contractors were determined by using allotment figures for personal service, expense and equipment, and transfers based on the number of electrical contractors provided by the U.S. Census Bureau website from 2012 with a 3% growth estimate per year. In the future, the office will base fiscal estimates on actual costs and actual number of licensees. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 70% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 30% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$38,500	70% Licensure	\$26,950
\$38,500	30% Enforcement	\$11,550

Table 3— Allocation of Expense & Equipment

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$7,753	70% Licensure	\$5,427
\$7,753	30% Enforcement	\$2,326

Table 4— Allocation of Transfer Dollars

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$16,644	70% Licensure	\$11,651
\$16,644	30% Enforcement	\$4,993

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that no time involving the administration of the proposed rule will be spent on licensure efforts and 5% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 1—OFFICE OF ADMINISTRATION  
Division 10—Commissioner of Administration  
Chapter 18—Retirement Policy**

**ORDER OF RULEMAKING**

By the authority vested in the Commissioner of Administration under section 104.404, RSMo 2016, the commissioner rescinds a rule as follows:

**1 CSR 10-18.010 Retirement Policy is rescinded.**

A notice of proposed rulemaking containing the text of the proposed rescission was published in the *Missouri Register* on October 15, 2018 (43 MoReg 2975). No changes have been made in the text of the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of  
Personnel  
Chapter 1—Organization and Operation**

**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-1.010 General Organization is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 018 (43 MoReg 2782-2783). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. At the public hearing, one (1) oral comment was made.

COMMENT #1: Clark Brown, on behalf of Service Employees International Union (SEIU), Local 1, stated that the proposed amendment to 1 CSR 20-1.010 would strip away the authority of the Personnel Advisory Board on merit principles.

RESPONSE: The proposed amendment to 1 CSR 20-1.010 removes language describing the Board's members and authority in section (2) that largely mirrors the statutory language of sections 36.050 and 36.060, RSMo, and does not alter the authority of the Board on merit principles. No changes have been made to the amendment text as a result of this comment

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of  
Personnel  
Chapter 1—Organization and Operation**

**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-1.020 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2783-2787). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of  
Personnel  
Chapter 1—Organization and Operation**

**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board rescinds a rule as follows:

**1 CSR 20-1.030 Personnel Rules is rescinded.**

A notice of proposed rulemaking containing the text of the proposed rescission was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2787). No changes have been made in the text of the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division of Personnel**  
**Chapter 1—Organization and Operation**  
**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-1.040** Unclassified Service **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2787-2788). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division of Personnel**  
**Chapter 1—Organization and Operation**  
**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-1.045** Covered Service **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2788-2790). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division of Personnel**  
**Chapter 1—Organization and Operation**  
**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board rescinds a rule as follows:

**1 CSR 20-1.050** Records and Reports **is rescinded.**

A notice of proposed rulemaking containing the text of the proposed rescission was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2790). No changes have been made in the text of the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division of Personnel**  
**Chapter 2—Classification and Pay Plans**  
**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-2.010** The Classification Plan **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2790-2791). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division of Personnel**  
**Chapter 2—Classification and Pay Plans**  
**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-2.015** Broad Classification Bands **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2791-2794). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division of Personnel**  
**Chapter 2—Classification and Pay Plans**  
**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-2.020 The Pay Plan is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2795-2797). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of  
Personnel  
Chapter 3—Personnel Selection, Appointment,  
Evaluation and Separation**

**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-3.010 Examinations is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2797-2800). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of  
Personnel  
Chapter 3—Personnel Selection, Appointment,  
Evaluation and Separation**

**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-3.020 Registers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2800-2802). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of  
Personnel  
Chapter 3—Personnel Selection, Appointment,  
Evaluation and Separation**

**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-3.030 Certification and Appointment is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2802-2804). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. One (1) written comment was received prior to the public hearing. At the public hearing, one (1) oral comment was made.

COMMENT #1: Chris Grant, on behalf of American Federation of State, County, and Municipal Employees (AFSCME), Council 61, Service Employees International Union (SEIU), Local 1, and Communications Workers of America (CWA), Local 6355 (collectively the "Unions"), submitted a statement in opposition to this proposed amendment as well as the proposed amendments to 1 CSR 20-3.070 and 1 CSR 20-4.020. The Unions argue that the proposed rules go beyond the plain language and purpose of Senate Bill 1007 (2018), represent an administrative overreach, and are unauthorized by law and also unconstitutional. The Unions object to the proposed amendment of 1 CSR 20-3.030 "to the extent the changes seek to prohibit employees from bargaining and enforcing requirements of 'cause' or 'just cause' for demotion, discipline, and discharge and from bargaining and enforcing seniority considerations in layoffs, recalls, and transfers."

RESPONSE: The Board reviewed the Unions' legal assertions, but believes they relate to statutory terms. These rules carry forward the meaning of the statute. No changes have been made to the amendment text as a result of this comment.

COMMENT #2: Clark Brown, on behalf of Service Employees International Union (SEIU), Local 1, stated that the removal of language in the proposed amendment to 1 CSR 20-3.030 relating to lay-off, transfer, and reinstatement, as well as the concept of dismissal for no reason, go beyond what is required by statutes.

RESPONSE: The Board reviewed Mr. Brown's legal assertions, but believes they relate to statutory terms. These rules carry forward the meaning of the statute. Section 36.025, RSMo, reads as follows: "Except as otherwise provided in section 36.030, all employees of the state shall be employed at-will, may be selected in the manner deemed appropriate by their respective appointing authorities, shall serve at the pleasure of their respective appointing authorities, and may be discharged for no reason or any reason not prohibited by law, including section 105.055." No changes have been made to the amendment text as a result of this comment.

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of  
Personnel  
Chapter 3—Personnel Selection, Appointment,  
Evaluation and Separation**

**ORDER OF RULEMAKING**



By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-3.040 Probationary Period is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2805-2806). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of  
Personnel  
Chapter 3—Personnel Selection, Appointment, Evaluation  
and Separation**

**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board rescinds a rule as follows:

**1 CSR 20-3.050 Service Reports is rescinded.**

A notice of proposed rulemaking containing the text of the proposed rescission was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2806). No changes have been made in the text of the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION  
Division 20—Personnel Advisory Board and Division of  
Personnel  
Chapter 3—Personnel Selection, Appointment, Evaluation  
and Separation**

**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-3.070 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2806-2810). Those sections or subsections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. Two (2) written comments were received prior to the public hearing. At the public hearing, one (1) oral comment was made.

COMMENT #1: Chris Grant, on behalf of American Federation of State, County, and Municipal Employees (AFSCME), Council 61, Service Employees International Union (SEIU), Local 1, and Communications Workers of America (CWA), Local 6355 (collectively the “Unions”), submitted a statement in opposition to this proposed amendment as well as the proposed amendments to 1 CSR 20-3.030 and 1 CSR 20-4.020. The Unions argue that the proposed rules go beyond the plain language and purpose of Senate Bill 1007 (2018), represent an administrative overreach, and are unauthorized by law and also unconstitutional. The Unions object to the proposed amendment of 1 CSR 20-3.070 “to the extent the changes seek to prohibit employees from bargaining and enforcing requirements of ‘cause’ or ‘just cause’ for demotion, discipline, and discharge and from bargaining and enforcing seniority considerations in layoffs, recalls, and transfers.”

RESPONSE: The Board reviewed the Unions’ legal assertions, but believes they relate to statutory terms. These rules carry forward the meaning of the statute. No changes have been made to the amendment text as a result of this comment.

COMMENT #2: Guy Krause, Deputy Director of the Division of Personnel within the Office of Administration, recommended the replacement of the terms “dismissal,” “dismissals,” and “dismissed” in the proposed amendment to 1 CSR 20-3.070 to align with terminology used in the new section 36.025, RSMo.

RESPONSE AND EXPLANATION OF CHANGE: The Board agrees with this comment, in part. References to “dismissal” in the context of regular employees remain appropriate in the proposed amendment to 1 CSR 20-3.070 pursuant to section 36.380, RSMo. The Board agrees that references to “dismissal” and “dismissed” in the context of all other employees should instead reference “discharge” and “discharged” in accordance with section 36.025, RSMo. The Board further notes that references to “dismissal” in the context of all employees should instead reference “dismissal or discharge,” and the Board has revised the language of the proposed amendment accordingly. In section (3) and subsection (3)(E), the word “dismissal” has been replaced with “dismissal or discharge.” In section (5), the word “Dismissals” has been replaced with the words “Dismissals or Discharges.” In subsection (5)(B), the words “dismissal” and “dismissed” have been replaced with the words “discharge” and “discharged.”

COMMENT #3: Clark Brown, on behalf of Service Employees International Union (SEIU), Local 1, stated that the removal of language in the proposed amendment to 1 CSR 20-3.070 relating to lay-off, transfer, and reinstatement, as well as the concept of dismissal for no reason, go beyond what is required by statutes.

RESPONSE: The Board reviewed Mr. Brown’s legal assertions, but believes they relate to statutory terms. These rules carry forward the meaning of the statute. Section 36.025, RSMo, reads as follows: “Except as otherwise provided in section 36.030, all employees of the state shall be employed at-will, may be selected in the manner deemed appropriate by their respective appointing authorities, shall serve at the pleasure of their respective appointing authorities, and may be discharged for no reason or any reason not prohibited by law, including section 105.055.” No changes have been made to the amendment text as a result of this comment.

**1 CSR 20-3.070 Separation, Suspension, and Demotion**

(3) Suspension. An appointing authority, for disciplinary purposes, may suspend, without pay, any employee in his/her division. A suspension may be made for a length of time as s/he considers appropriate, not exceeding twenty (20) working days in any twelve- (12-) month period except that this limitation shall not apply in the event of a terminal suspension given in conjunction with a dismissal or discharge; a suspension given in connection with a criminal offense involving the use of a controlled substance; or, with the approval of

the director, a suspension made pending the investigation or trial of any charges against the employee (see section 36.370, RSMo). Employees enumerated in 1 CSR 20-5.010(1)(C) and (D) and designated as exempt from the overtime requirements of the Fair Labor Standards Act shall not be suspended from duty without pay for disciplinary purposes unless the said suspension is for one (1) or more full workdays.

(E) In the event of an instance of unacceptable conduct by an employee that in the judgment of the appointing authority does not warrant immediate suspension, dismissal or discharge, or demotion, but which requires a permanent record, the appointing authority may record such conduct in the employee's service history by notifying the personnel director in a manner prescribed by the director. Employees do not have the right to notice, opportunity to be heard, or appeal from an unacceptable conduct record.

(5) Dismissals or Discharges.

(B) Employees not covered under section 36.030.1(2), RSMo do not have the right to notice, opportunity to be heard, or appeal from a discharge and may be discharged for no reason or any reason not prohibited by law.

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division of**  
**Personnel**  
**Chapter 3—Personnel Selection, Appointment,**  
**Evaluation and Separation**

**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-3.080 General Provisions and Prohibitions is amended.**

A notice of proposed rescission containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2810-2811). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division of**  
**Personnel**  
**Chapter 4—Appeals, Investigations, Hearings and**  
**Grievances**

**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board rescinds a rule as follows:

**1 CSR 20-4.010 Appeals is rescinded.**

A notice of proposed rulemaking containing the text of the proposed rescission was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2811). No changes have been made in the text of the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held November 5, 2018, and the public comment period also ended November 5, 2018. No comments were received.

**Title 1—OFFICE OF ADMINISTRATION**  
**Division 20—Personnel Advisory Board and Division of**  
**Personnel**  
**Chapter 4—Appeals, Investigations, Hearings and**  
**Grievances**

**ORDER OF RULEMAKING**

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 2018, the Board amends a rule as follows:

**1 CSR 20-4.020 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2811-2813). Those sections or subsections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held November 5, 2018, and the public comment period also ended November 5, 2018. Two (2) written comments were received prior to the public hearing. At the public hearing, one (1) oral comment was made.

COMMENT #1: Chris Grant, on behalf of American Federation of State, County, and Municipal Employees (AFSCME), Council 61, Service Employees International Union (SEIU), Local 1, and Communications Workers of America (CWA), Local 6355 (collectively the "Unions"), submitted a statement in opposition to this proposed amendment as well as the proposed amendments to 1 CSR 20-3.030 and 1 CSR 20-3.070. The Unions argue that the proposed rules go beyond the plain language and purpose of Senate Bill 1007 (2018), represent an administrative overreach, and are unauthorized by law and also unconstitutional. The Unions specifically object to the new section (1) of 1 CSR 20-4.020, arguing that it interferes with the right of state employees to collectively bargain. The Unions further state that the proposed regulation seems to require state agencies to repudiate existing grievance procedures established by presently effective collective bargaining agreements.

RESPONSE: The Board reviewed the Unions' legal assertions, but believes they relate to statutory terms. These rules carry forward the meaning of the statute. Regarding the effect of section (1) on any collective bargaining agreements in effect at the time the proposed rule becomes effective, subsection (1)(B) has been modified as described in the response to Comment #2, below. No changes have been made to the amendment text as a result of this comment.

COMMENT #2: Guy Krause, Deputy Director of the Division of Personnel within the Office of Administration, recommended the insertion of a comma after "part-time employee" in subsection (1)(A), the modification of subsection (1)(B) to clarify that it applies only to agreements entered subsequent to the effective date of the rule, the addition of a new subsection (1)(D) defining "grievance procedure" as it is used in section (1), the addition of a new subsection (1)(E) to clarify that agencies may adopt policies allowing for the reporting of discrimination, other illegal acts, and employee concerns, and the addition of a new subsection (1)(F) clarifying that sections (2)-(4) of 1 CSR 20-4.020 only apply to regular employees.

RESPONSE AND EXPLANATION OF CHANGE: Each of the recommended changes will help clarify the meaning and application of this rule. The Board agrees with each of the recommended changes

and has made those changes to the rule.

COMMENT #3: Clark Brown, on behalf of Service Employees International Union (SEIU), Local 1, stated that the proposed amendment to 1 CSR 20-4.020 would go beyond the scope of statutes by eliminating grievance procedures.

RESPONSE: The Board reviewed Mr. Brown's legal assertions, but believes they relate to statutory terms. These rules carry forward the meaning of the statute. Section 36.025, RSMo, reads as follows: "Except as otherwise provided in section 36.030, all employees of the state shall be employed at-will, may be selected in the manner deemed appropriate by their respective appointing authorities, shall serve at the pleasure of their respective appointing authorities, and may be discharged for no reason or any reason not prohibited by law, including section 105.055." No changes have been made to the amendment text as a result of this comment.

### 1 CSR 20-4.020 Grievance Procedures

#### (1) Prohibited Grievance Procedures.

(A) No state agency may establish a grievance procedure permitting a state employee, including a part-time employee, other than a regular employee, to grieve:

1. Any of the following, however any of the same may be denominated, imposed by an appointing authority or anyone acting on the appointing authority's behalf:

- A. Discipline;
- B. Suspension;
- C. Demotion;
- D. Notice of unacceptable conduct or conditional employment;

- E. Leave denial;
- F. Transfer;
- G. Shift change;
- H. Reprimand;
- I. Furlough; or

J. Any employment action that could be alleged to have an adverse financial impact on a state employee.

(B) Subsequent to the effective date of this rule, no state agency may enter into an agreement with a certified bargaining unit providing for the same or any alternative dispute resolution procedure regarding the matters prohibited in subsection (1)(A).

(C) The foregoing prohibitions shall not apply to grievance procedures that allow for the presentation of allegations that one (1) of the types of employment actions described in subsection (1)(A) was taken for a reason prohibited by law.

(D) A "grievance procedure" as used in this section means a right to a process or practice whereby an employee could have a decision addressing any of the foregoing matters reviewed either within or outside the employee's agency.

(E) The prohibition on the creation of a grievance procedure contained in this section does not prohibit a state agency from adopting policies allowing for the reporting of instances of unlawful discrimination or other illegal acts, as well as policies permitting the agency the discretion to review and address other employee concerns regarding other employees, facilities, or other aspects of their work environment. Such policies are specifically excluded from the grievance procedures prohibited by this rule.

(F) The grievance procedure found in sections (2)-(4) of this rule shall not apply to state employees, including part-time employees, other than regular employees.

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 1—Wildlife Code: Organization

#### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

### 3 CSR 10-1.010 Organization and Methods of Operation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2815). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: The Conservation Commission received seventeen (17) comments on proposed changes to 3 CSR 10-1.010 Organization and Methods of Operation.

COMMENTS: Michael Simmons, Glasgow; David Gocken, Kansas City; Jeffery Keller, Martinsville; Doug Smentkowski, Jefferson City; Michael Krote, Warrenton, and Jacob Harris, Kansas City, indicated general support for proposed changes to this rule.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENTS: Lawrence Farley, New Bloomfield; Jennifer Meyers, Shelbyville; Corey Buchheit, Jackson; Chris Pund, New Florence; Mike Bockerstette, St. Charles; Michael Hagene, St. Peters, and Ed Lipowica, Lone Jack, voiced support for proposed changes to this rule; however, specific comments pertained to elimination of the no-cost landowner permits for lessees.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes and will address these comments with others received on this specific change in the order of rulemaking for 3 CSR 10-7.431 Deer Hunting Seasons: General Provisions.

COMMENT: Curt Dittmer, Henley, voiced general opposition to proposed changes to this rule.

RESPONSE: The commission appreciates citizen input. No changes to the rule have been made as a result of this comment.

COMMENT: Roger Rudd, Piedmont, voiced opposition to this rule change; however, specific comments pertained to feral hog hunting.

RESPONSE: The commission appreciates citizen input on all regulations. No changes to the rule have been made as a result of this comment.

COMMENTS: Tommy Basham, Newburg, and Jim Wrinkle, Aurora, expressed opposition to this proposed amendment; however, specific comments pertained to elimination of no-cost landowner permits for lessees.

RESPONSE: The commission thanks those individuals who provided input and will address these comments with others received on this specific change in the order of rulemaking for 3 CSR 10-7.431 Deer Hunting Seasons: General Provisions.

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

#### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

### 3 CSR 10-4.200 Chronic Wasting Disease; Management Zone is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2815–2816). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

**SUMMARY OF COMMENTS:** The Conservation Commission received nineteen (19) comments on proposed changes to 3 CSR 10-4.200 Chronic Wasting Disease; Management Zone.

**COMMENTS:** Charles Fugate, Ozark; David Mack, Bloomsdale; Michael Simmons, Glasgow; Michael Bishop, Tebbetts; Wade Harris, Collins; David McCartney, Lincoln; Jeffrey Anderson, Braymer; Doug Dunlap, Owensville; Corey Buchheit, Jackson; Kevin Hooper, Carthage, and David Ponzer, location unknown, indicated general support for proposed changes to this rule.

**RESPONSE:** The commission thanks those individuals who voiced support for the regulation changes.

**COMMENT:** David McCartney, Lincoln, voiced support for the proposed changes; however, specific comments pertained to elimination of no-cost landowner permits for lessees.

**RESPONSE:** The commission thanks those individuals who voiced support for the regulation changes and will address these comments with others received on this specific change in the order of rulemaking for 3 CSR 10-7.431 Deer Hunting Seasons: General Provisions.

**COMMENTS:** Sean Witthar, location unknown; Gary Wiele, St. Louis; Ceseree Maggart, Smithville, and Gary Scott, location unknown, voiced opposition to this rule change; however, specific comments questioned the seriousness of chronic wasting disease or indicated their belief that regulations already in place to limit the spread of the disease will not be effective.

**RESPONSE:** Flexibility to adjust the Chronic Wasting Disease (CWD) Management Zone based on risk is critical as CWD management evolves in Missouri. Allowing the designation of a county rather than the blanket inclusion of all counties within twenty-five (25) miles of a confirmed positive will allow more adaptive management of CWD in Missouri.

CWD is a disease that infects deer and other members of the deer family. It is transmitted by prions, which are abnormal proteins that attack the nervous system, and is always fatal to the infected animal. CWD is spread both directly from deer to deer and indirectly to deer from infected soil and other surfaces. The CWD prions accumulate in the brain, spinal cord, eyes, spleen, and lymph nodes of infected animals. Once well established in an area, CWD is impossible to eradicate. States with CWD must focus on limiting the spread of the disease and preventing its introduction to new areas. CWD has been confirmed in over twenty-two (22) states, including Missouri, and continues to spread throughout the country. No changes to the rule have been made as a result of these comments.

**COMMENT:** John Spihlmann, Belton, voiced opposition to the rule change; however, specific comments indicated support for implementing regulations to limit the spread of chronic wasting disease statewide.

**RESPONSE:** Flexibility to adjust the CWD Management Zone based on risk is critical as CWD management evolves in Missouri. Allowing the designation of a county rather than the blanket inclusion of all counties within twenty-five (25) miles of a confirmed positive will allow more adaptive management of the disease. Management decisions are based on the best available science and the department is currently focused on prioritizing management actions based on risk. No changes to the rule have been made as a result of this comment.

**COMMENT:** Chris Nelson, location unknown, voiced opposition to the rule change; however, specific comments pertained to targeted

culling in areas where CWD has been found.

**RESPONSE:** Flexibility to adjust the CWD Management Zone based on risk is critical as CWD management evolves in Missouri. Allowing the designation of a county rather than the blanket inclusion of all counties within twenty-five (25) miles of a confirmed positive will allow more adaptive management of the disease. Management decisions are based on the best available science and targeted culling is an effective tool to reduce deer numbers, which will reduce the spread of CWD in a specific area. No changes to the rule have been made as a result of this comment.

**COMMENT:** Paul Barber, Phillipsburg, indicated indecision regarding the proposed changes and suggested that any regulations should be based on research and statistical findings.

**RESPONSE:** All CWD management decisions are based on the best available science. No changes to the rule have been made as a result of this comment.

### Title 3—DEPARTMENT OF CONSERVATION

#### Division 10—Conservation Commission

#### Chapter 5—Wildlife Code: Permits

### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

#### **3 CSR 10-5.205 Permits Required; Exceptions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2816–2821). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

**SUMMARY OF COMMENTS:** The Conservation Commission received one hundred twenty-two (122) comments from ninety-six (96) individuals on proposed changes to 3 CSR 10-5.205 Permits Required; Exceptions.

**COMMENTS:** Fifty-two (52) individuals indicated general support for elimination of no-cost landowner permits for lessees.

**RESPONSE:** The commission thanks those individuals who voiced support for the regulation changes.

**COMMENTS:** Five (5) individuals expressed indecision regarding the proposed changes and offered input on unrelated regulations.

**RESPONSE:** The commission appreciates citizen input on all regulations. No changes to the rule have been made as a result of these comments.

**COMMENTS:** John Zawodny, Lee's Summit, and Deb Karr, location unknown, expressed opposition to changes that eliminate the requirement for an adult to be properly licensed when accompanying a youth hunter.

**RESPONSE:** This amendment will allow adults to accompany properly licensed youth deer and turkey hunters during the youth portions of the deer and turkey hunting seasons without a permit and may serve to increase participation. No changes to the rule have been made as a result of these comments.

**COMMENTS:** Thirty-eight (38) individuals expressed general opposition to the proposed elimination of no-cost landowner permits for lessees.

**RESPONSE:** To the extent there were specific comments or suggestions provided, the commission has addressed them below.

COMMENTS: Eleven (11) individuals expressed support for continuing to issue no-cost landowner permits to individuals who lease property for agricultural purposes.

RESPONSE: The original intent of the term lessee within the Wildlife Code was in regard to “tenant farming”, an activity that is no longer a common practice, and there has been considerable confusion regarding lessee/tenant eligibility for no-cost permits. Lessees/tenants must live on the land to qualify; simply leasing property for agricultural purposes is not equivalent to land ownership. No changes to the rule have been made as a result of these comments.

COMMENTS: Fourteen (14) individuals expressed support for expanding availability of no-cost landowner hunting permits to all lessees.

RESPONSE: The original intent of the term lessee within the Wildlife Code was in regard to “tenant farming”, an activity that is no longer a common practice, and there has been considerable confusion regarding lessee/tenant eligibility for no-cost permits. Currently, lessees/tenants must live on the land to qualify. Simply leasing some of the many land rights is not equivalent to land ownership and many forms of leasing currently occur, ranging from crop and house rental to hunting leases. No changes to the rule have been made as a result of these comments.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2822–2823). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: The Conservation Commission received seventeen (17) comments on proposed changes to 3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable.

COMMENTS: Jeffery Keller, Martinsville; Paul Barber, Phillipsburg, and Doug Smენტkowski, Jefferson City, indicated general support for the proposed change.

RESPONSE: The commission thanks those individuals who voiced support for the regulation change.

COMMENTS: Pablo Ortiz, Adrain; Ray Wright, Prairie Home, and James Harding, Cedar Creek, expressed general support for this proposed amendment; however, specific comments pertained to elimination of the no-cost landowner permits for lessees.

RESPONSE: The commission thanks those individuals who provided input and will address these comments with others received on this specific change in the order of rulemaking for 3 CSR 10-7.431 Deer Hunting Seasons: General Provisions.

COMMENT: Daniel Collins, Alton, expressed opposition to the proposed requirement for individuals to provide their Social Security number to obtain a recreational hunting, fishing, or trapping permit in Missouri based on his religious beliefs.

RESPONSE: The Department of Conservation is required by federal

and state law to collect a Social Security number for all recreational permits, specifically sections 42 U.S.C. § 666 of the Child Welfare Reform Act and Missouri Statute § 454.403. This same requirement was challenged in *Montana Shooting Sports Ass'n v. State of Montana*, 224 P. 3d 1240 (Mt. 2010), but was upheld by the Montana Supreme Court which found that hunting is a recreation and not a livelihood, and the requirement did not violate a fundamental right of privacy since a Social Security number is a piece of information issued by the government and regularly provided to government entities. The court found that the federal and state government had a compelling interest to collect this information, namely child support enforcement. Finally, the Eighth Circuit has held that a religious accommodation is not required when a Social Security number is required by federal law. *Seaworth v. Pearson*, 203 F.3d 1056 (8th Cir. 2000).

In summary, the department is required by both federal and state law to collect Social Security numbers for recreational licenses. This mandate has been upheld by several courts. The sole purpose of the collection is to assist with child support enforcement. No changes to the rule have been made as a result of these comments.

COMMENTS: Twelve (12) individuals voiced opposition to the proposed requirement for individuals to provide their Social Security number to obtain a recreational hunting, fishing, or trapping permit in Missouri.

RESPONSE: The Department of Conservation is required by both federal and state law to collect Social Security numbers for recreational licenses. This mandate has been upheld by several courts. The sole purpose of the collection is to assist with child support enforcement. No changes to the rule have been made as a result of these comments.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.222 Youth Pricing: Deer and Turkey Permits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2824). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: The Conservation Commission received three (3) comments on proposed changes to 3 CSR 10-5.222 Youth Pricing: Deer and Turkey Permits.

COMMENT: Paul Luce, Branson, indicated general support for the proposed change.

RESPONSE: The commission thanks Mr. Luce for his support.

COMMENTS: Andrew Pinkley, Greenville, and John Zawodney, Lee's Summit, expressed opposition to discounted permits for youths.

RESPONSE: The department has a history of providing deer and turkey hunting permits at a reduced rate for youth hunters as a hunter recruitment tool. No changes to the rule have been made as a result of these comments.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

**3 CSR 10-5.600 Resident Firearms Deer Management Assistance Program Permit is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2824). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **March 1, 2019**.

**SUMMARY OF COMMENTS:** The Conservation Commission received four (4) comments on the proposed rule.

**COMMENT:** Travis Harms, Cole Camp, expressed general opposition; however, specific comments did not pertain to the rule.

**RESPONSE:** The commission appreciates citizen input. No changes to the rule have been made as a result of this comment.

**COMMENT:** Aaron Espinoza, Newburg, voiced opposition to the proposed rule and suggested that all landowners be issued additional antlerless permits based on the number of acres they own.

**RESPONSE:** The Deer Management Assistance Program (DMAP) will issue to antlerless permits participating landowners based on the harvest objectives of their plan and acreage amounts will be considered as those plans are drafted. No changes to the rule have been made as a result of this comment.

**COMMENT:** Jesse Lochman, location unknown, voiced opposition to the proposed rule, stating that it will further complicate deer hunting regulations.

**RESPONSE:** The Deer Management Assistance Program was created based requests landowners who wanted an additional tool to manage white-tailed deer on their property. Although it does add a level of complexity to the *Wildlife Code*, it will only affect program participants. No changes to the rule have been made as a result of this comment.

**COMMENT:** One (1) individual indicated indecision regarding the proposed rule.

**RESPONSE:** This individual's specific questions regarding availability of the new permits were addressed separately. No changes to the rule have been made as a result of this comment.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

**3 CSR 10-5.605 Nonresident Firearms Deer Management Assistance Program Permit is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2018 (43

MoReg 2824). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **March 1, 2019**.

**SUMMARY OF COMMENTS:** The Conservation Commission received four (4) comments on the proposed rule.

**COMMENT:** Bill Smith, Hallsville, and Tim Rubbelke, Creve Coeur, indicated general support for the proposed rule.

**RESPONSE:** The commission thanks those individuals who voiced support for the new rule.

**COMMENT:** David Mack, Bloomsdale, indicated general opposition to the proposed rule; however, specific comments did not pertain to the proposed rule.

**RESPONSE:** The commission appreciates citizen input on all regulations. No changes to the rule have been made as a result of this comment.

**COMMENT:** Joe Gioia, Union, voiced opposition to the requirement for landowners to purchase a Nonresident Firearms Any-Deer Hunting Permit or a Nonresident Managed Deer Hunting Permit as a prerequisite to purchasing a Nonresident Firearms Deer Management Assistance Program Permit.

**RESPONSE:** The department currently requires nonresidents to purchase an any-deer hunting permit prior to purchasing an antlerless permit. Surveys of Missouri hunters indicate significant support for this practice. No changes to the rule have been made as a result of this comment.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.415 Restricted Zones is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2824–2825). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

**SUMMARY OF COMMENTS:** No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.405 General Provisions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1,

2018 (43 MoReg 2825). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

**SUMMARY OF COMMENTS:** The Conservation Commission received three (3) comments on proposed changes to 3 CSR 10-7.405 General Provisions.

**COMMENTS:** Doug Smentkowski, Jefferson City; Michael Wyatt, Lee's Summit, and Ronald Dodge, Lake St. Louis, indicated general support for elimination of no-cost landowner permits for lessees.

**RESPONSE:** The commission thanks those individuals who voiced support for the regulation changes.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.410 Hunting Methods is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2825). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

**SUMMARY OF COMMENTS:** The Conservation Commission received eleven (11) comments on proposed changes to 3 CSR 10-7.410 Hunting Methods.

**COMMENTS:** John Hardin, De Soto; David Cartner, Richland; William Federhofer, Liberty; Sean Witthar, location unknown; Doug Martin, Lee's Summit, and Joe Richards, Rolla, indicated general support for elimination of no-cost landowner permits for lessees.

**RESPONSE:** The commission thanks those individuals who voiced support for the regulation changes.

**COMMENTS:** Ceseree Maggart, Smithville; Phil Orita, location unknown; Louis Bailey, location unknown; Hugh Carnahan, Nixa, and Tom Head, Green City, voiced opposition to the proposed elimination of no-cost landowner permits for lessees.

**RESPONSE:** The original intent of the term lessee within the *Wildlife Code* was in regard to "tenant farming", an activity that is no longer a common practice. There has been considerable confusion regarding lessee/tenant eligibility for no-cost permits. Lessees/tenants must live on the land to qualify, but this is not always clearly understood by the public. Many forms of leasing currently occur, ranging from crop and house rental to hunting leases; simply leasing some of the many land rights is not equivalent to land ownership. No changes to the rule have been made as a result of these comments.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.431 Deer Hunting Seasons: General Provisions  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2825 - 2827). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

**SUMMARY OF COMMENTS:** The Conservation Commission received one hundred twenty-eight (128) comments from one hundred (100) individuals on proposed changes to 3 CSR 10-7.431 Deer Hunting Seasons: General Provisions.

**COMMENTS:** Sixty-three (63) individuals indicated general support for elimination of no-cost landowner permits for lessees.

**RESPONSE:** The commission thanks those individuals who voiced support for the regulation changes.

**COMMENTS:** Thirty-six (36) individuals indicated general opposition to elimination of no-cost landowner permit privileges for lessees.

**RESPONSE:** To the extent there were specific comments provided, the commission has addressed them below.

**COMMENTS:** Shaun Hunt, Bolivar; Andy Dodson, location unknown; Rachel Russell, Foristell; Jim Wrinkle, Aurora; Jake Owen, location unknown, and Ashley Berry, Rolla, oppose the proposed change but agree that those who lease property primarily for hunting purposes should not be eligible for no-cost landowner permits.

**RESPONSE:** Individuals who lease property for hunting purposes are not eligible to receive no-cost landowner permits. The original intent of the term "lessee" within the *Wildlife Code* refers to tenant farming, an activity that is no longer a common practice. There has been considerable confusion regarding eligibility for no-cost permits. Lessees must live on the land to qualify; however, this is not always understood by the public. While many forms of leasing currently occur, simply leasing some of the many land rights is not equivalent to land ownership. No changes to the rule have been made as a result of these comments.

**COMMENTS:** Shaun Hunt, Bolivar; Martin Walsh, location unknown; Kelly Hampton, Ellington; Hugh Carnahan, Nixa, and David Ponzer, location unknown, oppose the change because lessees provide valuable land management assistance to landowners.

**RESPONSE:** The original intent of the term "lessee" within the *Wildlife Code* refers to tenant farming, an activity that is no longer a common practice. There has been considerable confusion regarding eligibility for no-cost permits. Lessees must live on the land to qualify; however, this is not always understood by the public. While many forms of leasing currently occur, simply leasing some of the many land rights is not equivalent to land ownership. No changes to the rule have been made as a result of these comments.

**COMMENTS:** Ashley Berry, Rolla; Brent Hayden, Columbia; David Rogers, Gerald; Jake Owen, location unknown; Jim Wrinkle, Aurora; Paul Ayres, Carthage; Robert Fisher, Grovespring; Teresa Johnson, Bolivar; Tom Head, Green City; Paul Arway, Eureka, and Ray Wright, Prairie Home, indicated that individuals who lease land for agricultural purposes provide habitat for wildlife and should continue to receive no-cost landowner permits.

**RESPONSE:** The original intent of the term "lessee" within the *Wildlife Code* refers to tenant farming, an activity that is no longer a

common practice. There has been considerable confusion regarding eligibility for no-cost permits. Lessees must live on the land to qualify; however, this is not always understood by the public. While many forms of leasing currently occur, simply leasing property for agricultural purposes is not equivalent to land ownership. No changes to the rule have been made as a result of these comments.

COMMENT: One (1) individual indicated indecision regarding elimination of no-cost landowner permits for lessees and submitted comments that were unrelated to the proposed changes.

RESPONSE: The commission appreciates citizen input on all regulations. No changes to the rule have been made as a result of this comment.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.433 Deer: Firearms Hunting Season is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2828). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: The Conservation Commission received two (2) comments on proposed changes to 3 CSR 10-7.433 Deer: Firearms Hunting Season.

COMMENT: Rick Winkler, Festus, indicated general support for elimination of no-cost landowner permits for lessees.

RESPONSE: The commission thanks Mr. Winkler for his support.

COMMENT: Rob Wagner, Imperial, expressed indecision regarding the proposed changes and suggested that the department conduct a comprehensive review of the entire landowner permit system to reduce abuse.

RESPONSE: The department currently reviews ten percent (10%) of new no-cost permit holders and ten percent (10%) of current no-cost permit holders every year. This process takes significant resources to complete and many of the checks involve contacting or visiting the county clerk's offices to confirm land ownership for each individual. In 2017, there were over one hundred eighty thousand (180,000) individuals who received no-cost landowner deer or turkey hunting permits, many of whom were found to be ineligible for those permits. No changes to the rule have been made as a result of this comment.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.434 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2828-2829). Those sections with changes are reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: The Conservation Commission received one hundred sixty-four (164) comments from one hundred forty (140) individuals on proposed changes to 3 CSR 10-7.434 Deer: Landowner Privileges.

COMMENTS: Eighty-six (86) individuals indicated general support for elimination of no-cost landowner permits for lessees.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENT: David Schlemeyer, Hallsville, indicated general support for the changes; however, he indicated that individuals who lease land for agricultural purposes provide habitat for wildlife and should continue to receive no-cost landowner permits.

RESPONSE: The original intent of the term "lessee" within the *Wildlife Code* refers to tenant farming, an activity that is no longer a common practice. There has been considerable confusion regarding eligibility for no-cost permits. Lessees must live on the land to qualify; however, this is not always understood by the public. While many forms of leasing currently occur, simply leasing property for agricultural purposes is not equivalent to land ownership. No changes to the rule have been made as a result of these comments.

COMMENTS: Forty-four (44) individuals expressed opposition to elimination of no-cost landowner permit privileges for lessees.

RESPONSE: To the extent there were specific comments provided, the commission has addressed them below.

COMMENTS: Doug Michael, Gallatin; Mike Stevens, location unknown; Dale Leeper, Trenton, and Kip Thompson, Springfield, oppose the proposed change but agree that those who lease property primarily for hunting purposes should not be eligible for no-cost landowner permits.

RESPONSE: Individuals who lease property for hunting purposes are not eligible to receive no-cost landowner permits. The original intent of the term "lessee" within the *Wildlife Code* refers to tenant farming, an activity that is no longer a common practice. There has been considerable confusion regarding eligibility for no-cost permits. Lessees must live on the land to qualify; however, this is not always understood by the public. While many forms of leasing currently occur, simply leasing some of the many land rights is not equivalent to land ownership. No changes to the rule have been made as a result of these comments.

COMMENTS: Nineteen (19) individuals indicated that those who lease land for agricultural purposes provide habitat for wildlife and should continue to receive no-cost landowner permits.

RESPONSE: The original intent of the term "lessee" within the *Wildlife Code* refers to tenant farming, an activity that is no longer a common practice. There has been considerable confusion regarding eligibility for no-cost permits. Lessees must live on the land to qualify; however, this is not always understood by the public. While many forms of leasing currently occur, simply leasing property for agricultural purposes is not equivalent to land ownership. No changes to the rule have been made as a result of these comments.

COMMENTS: Nine (9) individuals indicated indecision regarding elimination of no-cost landowner permits for lessees and specific comments provided pertained to other regulations.

RESPONSE: The commission appreciates citizen input on all regulations. No changes to the rule have been made as a result of these



comments.

COMMENT: Missouri Department of Conservation staff noted that counties listed in paragraphs (1)(B)1. and (1)(B)2. in the proposed amendment to this rule which was published in the *Missouri Register* on October 1, 2018, were inaccurate because they did not reflect the current regulation, in effect since July 1, 2018.

RESPONSE AND EXPLANATION OF CHANGE: Consequently, the changes to these sections below simply reflect regulations currently in effect.

### 3 CSR 10-7.434 Deer: Landowner Privileges

(1) Resident landowners as outlined in the *Fall Deer & Turkey Hunting Regulations and Information* booklet can obtain no-cost deer hunting permits from any permit vendor.

(B) In addition to the permits listed in subsection (1)(A), those with seventy-five (75) or more acres located in a single county or at least seventy-five (75) continuous acres bisected by a county boundary can receive a maximum of two (2) Resident Landowner Firearms Antlerless Deer Hunting Permits. Landowners with at least seventy-five (75) acres in more than one (1) county must comply with landowner antlerless deer limits for each county.

1. Resident landowners of at least seventy-five (75) acres may receive one (1) no-cost Landowner Antlerless Deer Hunting Permits in the counties of: Butler, Carter, Christian, Dent, Douglas, Dunklin, Iron, Lawrence, Maries, Mississippi, New Madrid, Newton, Pemiscot, Phelps, Pulaski, Reynolds, Ripley, Scott, Shannon, Stoddard, Texas, Wayne, Webster, and Wright.

2. Resident landowners of at least seventy-five (75) acres may receive two (2) no-cost Landowner Antlerless Deer Hunting Permits in the counties of: Adair, Andrew, Atchison, Audrain, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Chariton, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Madison, Marion, McDonald, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Nodaway, Oregon, Osage, Ozark, Perry, Pettis, Pike, Platte, Polk, Putnam, Ralls, Randolph, Ray, St. Charles, St. Clair, St. Francois, St. Louis, Ste. Genevieve, Saline, Schuyler, Scotland, Shelby, Stone, Sullivan, Taney, Vernon, Warren, Washington, and Worth.

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

#### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

#### 3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2829). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: The Conservation Commission received six (6) comments on proposed changes to 3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits.

COMMENTS: Alan Novak, Kansas City; Robert Moline, Reeds Spring; Paul Barber, Phillipsburg; Michael Brightwell, Republic, and Jeffery Keller, Martinsburg, indicated general support for elimination of no-cost landowner permits for lessees.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENT: Hugh Carnahan, Nixa, voiced opposition to the proposed changes and believes that anyone who lives on and actively manages land should be eligible for no-cost permits, regardless of ownership.

RESPONSE: The original intent of the term “lessee” within the *Wildlife Code* refers to tenant farming, an activity that is no longer a common practice. There has been considerable confusion regarding eligibility for no-cost permits. Lessees must live on the land to qualify; however, this is not always understood by the public. While many forms of leasing currently occur, simply leasing some of the many land rights is not equivalent to land ownership. No changes to the rule have been made as a result of these comments.

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

#### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopted a rule as follows:

#### 3 CSR 10-7.600 Deer Management Assistance Program is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2829-2832). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on the proposed rule.

COMMENT: Doug Smentkowski, Jefferson City, indicated general support for the proposed rule.

RESPONSE: The commission thanks this individual for his support for the new rule

### Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

#### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

#### 3 CSR 10-10.715 Resident and Nonresident Fur Dealers: Reports, Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2833). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 10—Wildlife Code: Commercial Permits:  
Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-10.768 Sales and Possession of Wildlife Parts and Mounted Specimens is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2833). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.115 Closings is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2833–2834). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.120 Pets and Hunting Dogs is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2834–2835). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: The Conservation Commission received two (2) comments on proposed changes to 3 CSR 10-11.120 Pets and Hunting Dogs.

COMMENT: Garry Gordon, location unknown, indicated general support for proposed changes to this rule.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENT: Ceseree Maggart, Smithville, voiced general opposition to the change; however, specific comments pertained to the unpredictable nature of dogs.

RESPONSE: The commission appreciates citizen input on all regulations. No changes to the rule have been made as a result of this comment.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.125 Field Trials is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2835). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.130 Vehicles, Bicycles, Horses, and Horseback Riding is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2836–2837). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.135 Wild Plants, Plant Products, and Mushrooms is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2837). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.140 Camping is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2837–2838). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: The Conservation Commission received one (1) comment on proposed changes to 3 CSR 10-11.140 Camping.

COMMENT: Rick Pohlmann, Wright City, indicated general opposition to the proposed amendment; however, specific comments related to use of generators during quiet hours on areas that allow camping. RESPONSE: The commission appreciates citizen input on all regulations. No changes to the rule have been made as a result of this comment.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.145 Tree Stands is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2838). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: The Conservation Commission

received two (2) comments on proposed changes to 3 CSR 10-11.145 Tree Stands.

COMMENTS: Sean Witthar, location unknown, and James Pennino, Camdenton, indicated general support for proposed changes to this rule.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.155 Decoys and Blinds is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2838). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.160 Use of Boats and Motors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2838–2839). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.180 is amended.**

A notice of proposed rulemaking containing the text of the proposed

amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2839–2844). Those subsections with changes are reprinted here. This proposed amendment becomes effective **March 1, 2019**.

**SUMMARY OF COMMENTS:** The Conservation Commission received forty-one (41) comments from twenty-five (25) individuals on proposed changes to 3 CSR 10-11.180 Hunting, General Provisions and Seasons.

**COMMENTS:** Conrad Moody, location unknown, and David Erickson, Columbia, expressed general support for the proposed ban on lead shot on areas that receive heavy dove hunting pressure or are prone to flooding.

**RESPONSE:** The commission thanks those individuals who voiced support for the regulation changes.

**COMMENT:** Amanda Good, Jefferson City, expressed support for the proposed changes on behalf of the Humane Society of the United States.

**RESPONSE:** The commission thanks Ms. Good for her support.

**COMMENT:** Tony Reiss, location unknown, expressed opposition to the proposed changes on behalf of Hunting Works for Missouri. Mr. Reiss contends that a ban on lead shot on certain conservation areas will result in increased costs for hunters, reduce hunter numbers, and damage local economies.

**RESPONSE:** Lead is a well-documented toxin. The commission carefully considered the impacts of this proposed amendment and its potential effects to wildlife, the health of our public lands, and hunters. The rulemaking is not intended to reduce the number of hunters on our areas but rather, preserve hunting traditions.

The department annually provides management on sixty (60) to seventy (70) conservation areas statewide averaging two thousand (2,000) to three thousand (3,000) acres, specifically for doves. When suitable sunflower and other dove-friendly feeding fields are provided, doves will be attracted, which attracts hunters to these areas. The department spends considerable resources annually to provide this opportunity with staff dedicated to make the fields the best they can be. This regulation change is a responsible step, rather than reducing the number of intensively managed dove fields.

The commission has long been concerned about issues related to hunter recruitment and retention, but our experience shows hunters do not shy away from wetland/bottomland conservation areas requiring non-toxic shot when good dove hunting opportunities exist.

To address the price of steel shot versus lead shot, a check of major retailer's websites found that small shot, light load shotshells are very close to the same price. Many dove hunters buy less than five (5) boxes of shells (six (\$6) – eight (\$8) dollars per box) per year for a few days of dove hunting. The price differential between lead shotshells and steel shotshells will be minimal for individual hunters and the commission does not anticipate an impact on local economies. No changes to the rule have been made as a result of this comment.

**COMMENT:** Trevor Santos, Washington, DC, expressed opposition to the proposed changes on behalf of the National Shooting Sports Foundation. Mr. Santos contends that a ban on lead shot on certain conservation areas will result in higher costs for hunters, loss of income for retailers, decreased funding for conservation in Missouri, and reduced hunter numbers. He also called for more research to prove claims that lead is toxic prior to implementing this regulation. **RESPONSE:** Lead is a well-documented toxin. A substantial body of scientific literature indicate that doves routinely ingest lead pellets and as few as one (1) ingested lead pellet will kill a dove in less than three (3) weeks. Multiple studies from around the country conserva-

tively demonstrate two to six percent (2-6%) of doves shot near heavily-hunted fields have ingested lead shot in their digestive tract. The ingested pellets have multiple physiological effects shortly after ingestion, and the number of birds poisoned likely exceeds the annual legal harvest.

The commission carefully considered the impacts of this proposed amendment and its potential effects to wildlife, the health of our public lands, and hunters. The rulemaking is not intended to reduce the number of hunters on our areas but rather, preserve hunting traditions.

The department annually provides management on sixty (60) to seventy (70) conservation areas statewide averaging two thousand (2,000) to three thousand (3,000) acres, specifically for doves. When suitable sunflower and other dove-friendly feeding fields are provided, doves will be attracted, which attracts hunters to these areas. The department spends considerable resources annually to provide this opportunity with staff dedicated to make the fields the best they can be. This regulation change is a responsible step, rather than reducing the number of intensively managed dove fields.

The commission has long been concerned about issues related to hunter recruitment and retention; however, experience shows hunters do not shy away from wetland/bottomland conservation areas requiring non-toxic shot when good hunting opportunities exist.

To address the price of steel shot versus lead shot, a check of major retailer's websites found that small shot, light load shotshells are very close to the same price. Many dove hunters buy less than five (5) boxes of shells (six (\$6) – eight (\$8) dollars per box) per year for a few days of dove hunting. The price differential between lead shotshells and steel shotshells will be minimal for individual hunters and the commission does not anticipate an impact on local economies. No changes to the rule have been made as a result of this comment.

**COMMENTS:** Twenty (20) individuals expressed general opposition to the proposed ban on lead shot on areas that receive heavy dove hunting pressure or are prone to flooding.

**RESPONSE:** To the extent there were specific comments provided, the commission has addressed them below.

**COMMENTS:** Linda Everhart, location unknown, and Andrew Murphy, Kingsville, contend that hunting with steel is unethical and will result in more wounded birds.

**RESPONSE:** Results from a multi-year, peer-reviewed study in Texas indicate that dove hunters using shotshells loaded with lead pellets were no more effective than hunters firing shotshells loaded with non-toxic steel shot of similar or slightly larger size. The study recorded over five thousand (5,000) shots and over one thousand one hundred (1,100) doves harvested. No changes to the rule have been made as a result of these comments.

**COMMENTS:** Christopher Herndon, Kearney; Cole Newman, Imperial; Linda Everhart, location unknown; Russell Mullinax, Farmington; Vance Ewing, St. Robert, and William Green, Vandalia, expressed doubts regarding the seriousness of lead shot deposited on the landscape.

**RESPONSE:** Lead is a well-documented toxin. A substantial body of scientific literature indicate that doves routinely ingest lead pellets and as few as one (1) ingested lead pellet will kill a dove in less than three (3) weeks. Multiple studies from around the country conservatively demonstrate two to six percent (2-6%) of doves shot near heavily-hunted fields have ingested lead shot in their digestive tract. The ingested pellets have multiple physiological effects shortly after ingestion, and the number of birds poisoned likely exceeds the annual legal harvest. No changes to the rule have been made as a result of these comments.

COMMENTS: Garry Gordon, location unknown; Linda Everhart, location unknown; Matthew Luber, location unknown; Randall Russell, Oldfield; Russell Mullinax, Farmington; Sean McLafferty, Jefferson City, and William Green, Vandalia, expressed opposition based on the higher cost of steel shot.

RESPONSE: With regard to the cost of steel shot versus lead shot, a check of major retailer's websites found that small shot, light load shotshells are very close to the same price. Many dove hunters buy less than five (5) boxes of shells (six (\$6) – eight (\$8) dollars per box) per year for a few days of dove hunting. The price differential between lead shotshells and steel shotshells will be minimal for individual hunters and the commission does not anticipate an impact on local economies. No changes to the rule have been made as a result of these comments.

COMMENT: Garry Gordon, location unknown, expressed concern due to the potential for lead shot to cause damage to older firearms.

RESPONSE: The use of steel shot in any firearm is the decision of the owner. While many recommend not using steel shot in older firearms with tight chokes, some of the newer shot alternatives like bismuth and tin seem to have more favorable reviews for older firearms. If there is a question about using steel or other non-toxic shot in a particular firearm, a gunsmith should be consulted. No changes to the rule have been made as a result of this comment.

COMMENT: Missouri Department of Conservation staff noted an error in subsection (8)(KK) of the Wildlife Code of Missouri as submitted on August 28, 2018, in the proposed amendment to this rule which was published in the October 1, 2018, edition of the *Missouri Register*.

RESPONSE AND EXPLANATION OF CHANGE: A correction to the name of one conservation area was made.

### 3 CSR 10-11.180 Hunting, General Provisions and Seasons

(8) Use or possession of lead shot is prohibited for hunting on the following department areas:

(KK) Wolf Creek Bend Conservation Area

## Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 11—Wildlife Code: Special Regulations for Department Areas

### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

#### 3 CSR 10-11.184 Quail Hunting is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2845). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

## Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 11—Wildlife Code: Special Regulations for Department Areas

### ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

#### 3 CSR 10-11.185 Dove Hunting is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2845–2848). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: The Conservation Commission received fifty-eight (58) comments from thirty (30) individuals on proposed changes to 3 CSR 10-11.185 Dove Hunting.

COMMENT: Amanda Good, Jefferson City, expressed support for the proposed ban on lead shot on areas that receive heavy dove hunting pressure or are prone to flooding on behalf of the Humane Society of the United States.

RESPONSE: The commission thanks Ms. Good for her support.

COMMENT: Trevor Santos, Washington, DC, expressed opposition to the proposed changes on behalf of the National Shooting Sports Foundation. Mr. Santos contends that a ban on lead shot on certain conservation areas will result in higher costs for hunters, loss of income for retailers, decreased funding for conservation in Missouri, and reduced hunter numbers. He also called for more research to prove claims that lead is toxic prior to implementing this regulation.

RESPONSE: Lead is a well-documented toxin. A substantial body of scientific literature indicate that doves routinely ingest lead pellets and as few as one (1) ingested lead pellet will kill a dove in less than three (3) weeks. Multiple studies from around the country conservatively demonstrate two to six percent (2-6%) of doves shot near heavily-hunted fields have ingested lead shot in their digestive tract. The ingested pellets have multiple physiological effects shortly after ingestion, and the number of birds poisoned likely exceeds the annual legal harvest.

The commission carefully considered the impacts of this proposed amendment and its potential effects to wildlife, the health of our public lands, and hunters. The rulemaking is not intended to reduce the number of hunters on our areas but rather, preserve hunting traditions.

The department annually provides management on sixty (60) to seventy (70) conservation areas statewide averaging two thousand (2,000) to three thousand (3,000) acres, specifically for doves. When suitable sunflower and other dove-friendly feeding fields are provided, doves will be attracted, which attracts hunters to these areas. The department spends considerable resources annually to provide this opportunity with staff dedicated to make the fields the best they can be. This regulation change is a responsible step, rather than reducing the number of intensively managed dove fields.

The commission has long been concerned about issues related to hunter recruitment and retention; however, experience shows hunters do not shy away from wetland/bottomland conservation areas requiring non-toxic shot when good hunting opportunities exist.

To address the price of steel shot versus lead shot, a check of major retailer's websites found that small shot, light load shotshells are very close to the same price. Many dove hunters buy less than five (5) boxes of shells (six (\$6) – eight (\$8) dollars per box) per year for a few days of dove hunting. The price differential between lead shotshells and steel shotshells will be minimal for individual hunters and the commission does not anticipate an impact on local economies. No changes to the rule have been made as a result of this comment.

COMMENTS: Twenty-eight (28) individuals expressed general opposition to the proposed ban on lead shot on areas that receive heavy dove hunting pressure or are prone to flooding.

RESPONSE: To the extent there were specific comments provided, the commission has addressed them below.

COMMENTS: Sydney Melancon, Springfield; Alan Novak, Kansas City, and Nathan Swett, location unknown, contend that hunting with steel shot will result in more wounded birds.

RESPONSE: Results from a multi-year, peer-reviewed study in Texas indicate that dove hunters using shotshells loaded with lead pellets were no more effective than hunters firing shotshells loaded with non-toxic steel shot of similar or slightly larger size. The study recorded over five thousand (5,000) shots and over one thousand one hundred (1,100) doves harvested. No changes to the rule have been made as a result of these comments.

COMMENTS: Alexander Kowalczyk, Birch Tree; Rick Pohlman, Wright City; Linda Everhart, location unknown; Thomas Fuhremann, Manchester; Cole Newman, Imperial; William Green, Vandalia; Brett (last name unknown), location unknown; Doug Williams, Blue Springs; Randall Russell, Oldfield, and Sawyer Kresse, Garden City, expressed doubts regarding the seriousness of lead shot deposited on the landscape.

RESPONSE Lead is a well-documented toxin. A substantial body of scientific literature indicate that doves routinely ingest lead pellets and as few as one (1) ingested lead pellet will kill a dove in less than three (3) weeks. Multiple studies from around the country conservatively demonstrate two to six percent (2-6%) of doves shot near heavily-hunted fields have ingested lead shot in their digestive tract. The ingested pellets have multiple physiological effects shortly after ingestion, and the number of birds poisoned likely exceeds the annual legal harvest. No changes to the rule have been made as a result of these comments.

COMMENTS: Nathan Swett, location unknown; Alan Novak, Kansas City; Alexander Kowalczyk, Birch Tree; Thomas Fuhremann, Manchester; William Green, Vandalia; Matthew Luber, location unknown; Sidney Melancon, Springfield, and Vincent Pasowicz, Camdenton, expressed opposition based on the higher cost of steel shot.

RESPONSE: With regard to the cost of steel shot versus lead shot, a check of major retailer's websites found that small shot, light load shotshells are very close to the same price. Many dove hunters buy less than five (5) boxes of shells (six (\$6) – eight (\$8) dollars per box) per year for a few days of dove hunting. The price differential between lead shotshells and steel shotshells will be minimal for individual hunters and the commission does not anticipate an impact on local economies. No changes to the rule have been made as a result of these comments.

COMMENTS: Alexander Kowalczyk, Birch Tree; Thomas Fuhremann, Manchester, and Doug Williams, Blue Springs, expressed concern due to the potential for lead shot to cause damage to older firearms.

RESPONSE: The use of steel shot in any firearm is the decision of the owner. While many recommend not using steel shot in older firearms with tight chokes, some of the newer shot alternatives like bismuth and tin seem to have more favorable reviews for older firearms. If there is a question about using steel or other non-toxic shot in a particular firearm, a gunsmith should be consulted. No changes to the rule have been made as a result of these comments.

COMMENTS: Charles Crews, Marionville; Doug Williams, Blue Springs; Thomas Fuhremann, Manchester, and Vincent Pasowicz, Camdenton, believe the proposed change will result in decreased participation in dove hunting and hunter numbers.

RESPONSE: The commission carefully considered the impacts of

this proposed amendment and its potential effects to wildlife, the health of our public lands, and hunters. The rulemaking is not intended to reduce the number of hunters on our areas but rather, preserve hunting traditions.

The department annually provides management on sixty (60) to seventy (70) conservation areas statewide averaging two thousand (2,000) to three thousand (3,000) acres, specifically for doves. When suitable sunflower and other dove-friendly feeding fields are provided, doves will be attracted, which attracts hunters to these areas. The department spends considerable resources annually to provide this opportunity with staff dedicated to make the fields the best they can be. This regulation change is a responsible step, rather than reducing the number of intensively managed dove fields.

The commission has long been concerned about issues related to hunter recruitment and retention; however, experience shows hunters do not shy away from wetland/bottomland conservation areas requiring non-toxic shot when good hunting opportunities exist. No changes to the rule have been made as a result of these comments.

### **Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 11—Wildlife Code: Special Regulations for Department Areas**

#### **ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

#### **3 CSR 10-11.186 Waterfowl Hunting is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2849). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

### **Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 11—Wildlife Code: Special Regulations for Department Areas**

#### **ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

#### **3 CSR 10-11.200 Fishing, General Provisions and Seasons is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2849–2850). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.205 Fishing, Methods and Hours is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2850–2851). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.210 Fishing, Daily and Possession Limits  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2851–2852). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-11.215 Fishing, Length Limits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2852–2853). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: No comments received.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 20—Wildlife Code: Definitions**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-20.805 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2853). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2019**.

SUMMARY OF COMMENTS: The Conservation Commission received nine (9) comments on proposed changes to 3 CSR 10-20.805 Definitions.

COMMENT: Doug Smentkowski, Jefferson City, indicated general support for proposed changes to this rule.

RESPONSE: The commission thanks Mr. Smentkowski for his support.

COMMENTS: Thomas Thurman, Monroe City, and Kenneth Baker, Cameron, voiced support for elimination of no-cost permits for lessees, stating that only landowners should receive these privileges.

RESPONSE: The commission thanks those individuals who voiced support for the regulation changes.

COMMENT: Lawrence Jenkins, Jefferson City, voiced general opposition to proposed changes to this rule.

RESPONSE: The commission appreciates citizen input on all regulation changes. No changes to the rule have been made as a result of this comment.

COMMENT: Hugh Carnahan, Nixa, expressed opposition to elimination of no-cost permits for lessees, stating that anyone who maintains property should be eligible for this privilege.

RESPONSE: The original intent of the term “lessee” within the *Wildlife Code* refers to tenant farming, an activity that is no longer a common practice. There has been considerable confusion regarding eligibility for no-cost permits. Lessees must live on the land to qualify; however, this is not always understood by the public. While many forms of leasing currently occur, simply leasing some of the many land rights is not equivalent to land ownership. No changes to the rule have been made as a result of these comments.

COMMENT: David Rauh, St. Louis, voiced opposition to proposed changes to the definition of corporate ownership.

RESPONSE: This regulation change will align the *Wildlife Code* with the corporate definition outlined in the Missouri Revised Statutes. No changes to the rule have been made as a result of this comment.

COMMENTS: Three (3) individuals expressed indecision regarding proposed changes to this rule and confusion regarding current regulations pertaining to no-cost lessee permit privileges.

RESPONSE: The commission appreciates citizen input and addressed their specific questions separately. No changes to the rule have been made as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 22—Dam and Reservoir Safety Council  
Chapter 1—Definitions**

**ORDER OF RULEMAKING**

By the authority vested in the Dam and Reservoir Safety Council under section 236.405, RSMo 2016, the council amends a rule as follows:

**10 CSR 22-1.020 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2161–2162). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 22—Dam and Reservoir Safety Council  
Chapter 2—Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Dam and Reservoir Safety Council under section 236.405, RSMo 2016, the council amends a rule as follows:

**10 CSR 22-2.010 Who Needs a Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2162). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 22—Dam and Reservoir Safety Council  
Chapter 2—Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Dam and Reservoir Safety Council under section 236.405, RSMo 2016, the council amends a rule as follows:

**10 CSR 22-2.020 Types of Permits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2162–2163). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 22—Dam and Reservoir Safety Council  
Chapter 2—Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Dam and Reservoir Safety Council under section 236.405, RSMo 2016, the council amends a rule as follows:

**10 CSR 22-2.100 Appeal of Action on Permits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2163). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 22—Dam and Reservoir Safety Council  
Chapter 3—Permit Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Dam and Reservoir Safety Council under section 236.405, RSMo 2016, the council amends a rule as follows:

**10 CSR 22-3.020 General Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2163–2165). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 22—Dam and Reservoir Safety Council  
Chapter 3—Permit Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Dam and Reservoir Safety Council under section 236.405, RSMo 2016, the council amends a rule as follows:

**10 CSR 22-3.030 Registration Permit Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2165). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.



**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 22—Dam and Reservoir Safety Council**  
**Chapter 3—Permit Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Dam and Reservoir Safety Council under section 236.405, RSMo 2016, the council amends a rule as follows:

**10 CSR 22-3.040 Construction Permit Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2166–2169). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 22—Dam and Reservoir Safety Council**  
**Chapter 3—Permit Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Dam and Reservoir Safety Council under section 236.405, RSMo 2016, the council amends a rule as follows:

**10 CSR 22-3.050 Safety Permit Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2169–2170). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 22—Dam and Reservoir Safety Council**  
**Chapter 4—Action Taken by Council and Chief Engineer**

**ORDER OF RULEMAKING**

By the authority vested in the Dam and Reservoir Safety Council under section 236.405, RSMo 2016, the council amends a rule as follows:

**10 CSR 22-4.020 Enforcement Orders and Enforcement Procedures is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2170). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-1.010 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2170–2176). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held September 7, 2018, and the public comment period ended on September 14, 2018. At the public hearing, Department of Natural Resources staff explained the proposed amendment and one (1) comment was made. One (1) additional comment was made on the proposed amendment.

COMMENT #1: Staff identified definitions in this rule that were no longer relevant and others that needed to be added based on changes made to 10 CSR 23-3.090(11) from comments received.

RESPONSE AND EXPLANATION OF CHANGE: Staff concur that this change needs to be made to provide clarification and consistency. Section (9) will be changed to add the definition of Impact Area and section (20) will be changed to remove definition of TCE Concern Area and TCE Impact Area.

COMMENT #2: Kaly Erwin representing the Missouri Petroleum Storage Tank Insurance Fund asked that staff review the definition for charitable or benevolent organization water system. In addition, she asked that staff change the definition of completion date of temporary monitoring wells to be the date the last well is plugged rather than the first day and have an additional sixty (60) days beyond that for submittal of the registration report. Ms. Erwin also commented that she would like to see types of public wells as subsections of Public Water System.

RESPONSE: Pursuant to Executive Order 17-03, staff identified the definition of Charitable or Benevolent Organization Water System in 10 CSR 23-1.010 as redundant language that is stated in section 640.116, RSMo. During rule review the definition of completion date was amended for clarity. Requiring plugging registration reports after the first temporary well is plugged clarifies existing language and ensures timely receipt of reports to address groundwater protection concerns. Certification and registration requirements located throughout the rule were consolidated into a single new rule in Chapter 2. The requirement that registration reports are due one hundred and eighty (180) days after a temporary well is plugged was moved from 10 CSR 23-4.020(4) to the proposed new rule 10 CSR 2.020(4)(A). Finally, definitions found throughout the rule were streamlined to remove terms that are not used and organize alphabetically. No changes have been made as a result of this comment.

**10 CSR 23-1.010 Definitions**

(9) Terms beginning with the letter I.

(A) Impact Area means an area that contains contaminant(s) of one (1) or more of the following: lead, cadmium, chlorinated volatile organic compounds (VOCs) including trichloroethylene (TCE), TCE degradation products, or other contaminants pursuant to 10 CSR 60-4.

(B) Inactive well means a well not currently operational that is not

in a state of disrepair and does not present a threat to groundwater.

(C) Incomplete well means a well that was abandoned during construction with or without casing and is susceptible to surface contamination.

(D) Injection well means a monitoring well into which fluid or other media is injected to clean, treat, or prevent contamination of groundwater.

(20) Terms beginning with the letter T.

(A) Temporary monitoring well means a monitoring well used for field screening purposes that is plugged within thirty (30) days of being installed.

(B) Test hole means a hole drilled for the exploration of minerals or for geologic data that is not associated with the remediation or associated environmental characterization of a site. This includes stratigraphic holes drilled to obtain geologic information for structural studies or seismic shot holes.

(C) Transient noncommunity water system means a public water system as defined in 10 CSR 60-2.

(D) Tremie pipe means a conductor pipe, hose, or tubing used in the down hole placement of grout.

(E) Tremie grouting method means the process in which a small diameter pipe is inserted in the annular space or borehole to the depth of the zone to be sealed and grout is emplaced through the tremie pipe by gravity.

(F) Tremie pressure grouting method means the process in which a small diameter pipe is inserted in the annular space or borehole to the depth of the zone to be sealed and grout is emplaced by pumping with a grout pump from the bottom to the top of the zone to be sealed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting**  
**Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-1.030 Types of Wells is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2176). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting**  
**Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-1.040 Variances is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1,

2018 (43 MoReg 2176–2177). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting**  
**Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-1.050 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2177–2181). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on September 7, 2018, and the public comment period ended on September 14, 2018. At the public hearing, Department of Natural Resources staff explained the proposed amendment and one (1) comment was made. The Department of Natural Resources received seven (7) additional comments on the proposed amendment.

COMMENT #1: Sara Ragan commented, 10 CSR 23-1.050(4) rule says all subsequent test attempts must be a minimum of 30 days from the initial test date. This should say, there is only one retake allowed per test date. The way the rule is written it implies that if you take your 1st test on August 1 and do not pass, you can retake the test on August 31 as many times as it takes to pass it. There should be a timeframe between each failed test.

RESPONSE AND EXPLANATION OF CHANGE: Staff concurs and has added language to clarify that there is a thirty (30) day waiting period after the last retest to subsection (4)(A).

COMMENT #2: Sara Ragan commented, 10 CSR 23-1.050(3)(L) you should accept experience from another state even if my permit is expired from that state and I can provide information on the experience. If my permit was in good standing with the other state you should accept the experience whether my permit is current (valid) or not.

RESPONSE: Exemptions to the apprenticeship program are intended to provide current out of state permit holders an option to become permitted in Missouri. This is a request to vary from the regulations and is not guaranteed. Out of state experience is only one consideration when reviewing these requests. No changes have been made to this rule as a result of this comment.

COMMENT #3: Sara Ragan commented, 10 CSR 23-1.050(3)(D) Rule says an apprentice can work under another non-restricted permittee besides the responsible permittee, does the apprentice have to be permitted with the same company as the other -restricted permit? If no, let the apprentice be permitted under their own company and have any non- restricted person sign as the responsible permittee.

RESPONSE: An apprentice may be permitted under their own company. The proposed amendments allow a non-restricted permit holder to sign as the responsible party provided they are on site and oversee the apprentice's work. A responsible party must be designated

for the apprentice. No changes have been made to this rule as a result of this comment.

COMMENT #4: Sara Ragan commented, 10 CSR 23-1.050(3)(A)4. Probation should also be included here. Rule says includes but is not limited to but the rule should be clear on what is included. Penalty fees?

RESPONSE: A permittee may be placed on probation pursuant to section 256.630, RSMo. The terms of probation depend on the specific circumstances of the violation. No changes have been made to this rule as a result of this comment.

COMMENT #5: Sara Ragan commented, 10 CSR 23-1.050(1)(A) restricted permit should also be required to pre-notify work that is being subcontracted if required.

RESPONSE: Prenotification applies to non-restricted permittees who are installing wells. Prenotification provides staff advanced notice to witness well installation. Restricted permittees who are acting as primary contractors are not required to prenotify because they are overseeing the work. No changes have been made to this rule as a result of this comment.

COMMENT #6: Sara Ragan commented, 10 CSR 23-1.050(1) This rule should allow for a restricted permit to be reinstated.

RESPONSE: Permit renewals for both restricted and non-restricted permits is addressed in 10 CSR 23-1.105 Permit Renewal. No changes have been made to this rule as a result of this comment.

COMMENT #7: Kaly Erwin representing the Missouri Petroleum Storage Tank Insurance Fund recommended that restricted well driller permits be removed or included as an apprentice permit holder because it is the first stage in becoming an apprentice. Ms. Erwin went on to state that water well drillers should be allowed to become non-restricted permit holders for monitoring wells without undergoing the apprentice program for monitoring wells because if someone can install a drinking water well they can also install a monitoring well.

RESPONSE: A permit is required to act as a primary contractor in the installation of wells pursuant to section 256.607.3, RSMo. The permitting requirements and level of responsibility for an apprentice driller are different than those of a restricted permit holder acting as a primary contractor. In addition, water-well drillers may add a permit type to drill monitoring wells. Water-well construction requirements (10 CSR 23-3) differ from monitoring well construction requirements (10 CSR 23-4). Monitoring wells typically are installed in areas where contaminants exist, thereby requiring understanding and knowledge of drilling in these types of conditions. No changes have been made to this rule as a result of this comment.

COMMENT #8: Since proposal of the rule amendment, department staff determined that the proposed amendment may be interpreted to suggest that a previously mandatory department obligation had become discretionary. The proposed amendment would modify the language of that requirement. Removal of restrictive terms may have different legal effect and the change may be misinterpreted.

RESPONSE AND EXPLANATION OF CHANGE: The department is revising the language to retain the word "shall" in sections (1), (2), and (3) to clarify the department's obligation.

#### **10 CSR 23-1.050 Permittee Qualifications, Testing Procedures, and Permit Application**

##### **(1) Restricted Permit.**

(A) To apply for a restricted permit as a water well, heat pump, monitoring well, or pump installation contractor an applicant shall—

1. Submit a complete permit testing application and corresponding fee;
2. Pass the applicable restricted permit test(s) (open book) with

a minimum score of seventy percent (70%); and

3. Submit a complete permit application and the corresponding fee.

(B) After approval of the permit application, the department will issue the restricted permit. A permit may be denied if the applicant has unresolved violations.

(2) Non-Restricted Permit. See 10 CSR 23-1.050(7) for adding a permit type to an existing permit and 10 CSR 23-1.105 for reinstatement of an expired permit.

(A) To apply for a non-restricted permit as a water well, heat pump, monitoring well, or pump installation contractor an applicant shall—

1. Complete the apprenticeship program pursuant to 10 CSR 23-1.050(3);
2. Submit a complete permit testing application and corresponding fee;
3. Pass the applicable non-restricted permit test(s) (closed book) with a minimum score of seventy percent (70%);
4. Submit a complete permit application and the corresponding fee; and

5. If applicable pursuant to 10 CSR 23-1.050(3)(L) or 10 CSR 23-1.050(7) the apprenticeship program may be waived.

(B) After approval of the permit application, the department will issue the non-restricted permit. A permit application may be denied if the applicant has unresolved violations. After resolution of violations, the department may require prenotification pursuant to 10 CSR 23-1.050(6).

##### **(3) Apprenticeship Program.**

(A) To apply for a permit as an apprentice water well, heat pump, monitoring well, or pump installation contractor an applicant shall—

1. Submit a complete testing application and corresponding fee;
2. Pass the applicable apprentice permit test(s) (open book) with a minimum score of seventy percent (70%);
3. Submit a complete apprentice permit application, signed by a responsible party who will be responsible for the apprenticeship;
4. The responsible party shall be a non-restricted permit holder holding the same type of permit for which the apprentice is applying. A non-restricted permittee may not serve as an apprentice's responsible party for a period of one (1) year from the date of resolution of any enforcement action taken by the department (includes, but is not limited to, settlement agreements, orders, consent judgments, suspension, or revocation); and

5. After approval of the permit application, the department will issue the apprentice permit.

(B) The apprenticeship period is two (2) years.

(C) The applicant shall complete work for the applicable permit type and sign the appropriate certification or registration form on a minimum of—

1. Water Well Permit - Twenty-five (25) different domestic or multifamily water well installations or ten (10) different high yield bedrock or public wells;
2. Pump Installation Permit - Twenty-five (25) different domestic or multifamily pump installations or ten (10) different high yield or public well pump installations;
3. Heat Pump Installation Permit - Ten (10) different heat pump system installations;
4. Monitoring Well Permit - Twenty (20) different monitoring wells or twenty (20) different temporary monitoring well sites.

A. Test Hole Only Endorsement - Twenty (20) different test holes; and

5. Plugging abandoned wells for the applicable type of permit may count for up to ten percent (10%) of the required installations.

(D) The responsible party for the apprentice or another non-restricted permit holder for the applicable permit type shall oversee the apprentice's work on site, sign the certification or registration

form as the installation contractor, and submit the form and appropriate fee.

(E) Once the number of installations pursuant to 10 CSR 23-1.050(3)(C) have been completed, the apprentice may work independently for the remainder of the two (2) year apprenticeship provided the responsible party continues to sign certification and registration forms as installation contractor along with the apprentice.

(F) The apprenticeship period may be reduced if the required number of installations pursuant to 10 CSR 23-1.050(3)(C) are met and proof of financial responsibility are provided for the remainder of the apprenticeship period pursuant to 10 CSR 23- 1.050(5).

(G) An apprentice may transfer the apprenticeship to another company by submitting a new apprenticeship application to the department with a non-restricted permittee signing as the responsible party.

(H) An apprentice can be permitted under more than one (1) company if the apprentice submits the appropriate application and fee for each permit type and a non-restricted permittee from each company signs as the responsible party. Apprentices will be issued separate permit numbers for each permit type.

(I) At the end of the two (2) year period, the apprentice may apply to extend the apprenticeship on a year-by-year basis if the number of installations has not been met. If an application to extend the apprenticeship is not received, the apprentice permit will not be renewed.

(J) If an apprentice cancels the apprenticeship, they may reapply within five (5) years. If the application is approved, the apprentice will be reinstated at the same status as at the point of cancellation.

(K) Proof of work performed in other states by an apprentice will be evaluated on a case-by-case basis for meeting the requirements of 10 CSR 23-1.050(3)(C).

(L) Applicants who are permitted in another state may request an exemption to the apprenticeship program provided they—

1. Submit proof of a valid permit and supporting documentation that includes, at a minimum, a copy of current license or permit, examples of well records, and contact information for the regulatory agency that issued the permit (same type of permit(s) only); and

2. Submit proof of financial responsibility pursuant to 10 CSR 23-1.050(5) for a period of two (2) years; and

3. Complete one (1) year of prenotification pursuant to 10 CSR 23-1.050(6).

(4) Testing.

(A) Applicants may retake the test one (1) time on the last test date. All subsequent test attempts shall be a minimum of thirty (30) days from the initial test date.

(B) An applicant may withdraw a testing application by notifying the department a minimum of ten (10) days in advance. Testing application fees are non-refundable; however, tests may be rescheduled up to two (2) times without cancellation of the application and forfeiture the corresponding fee.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-1.060 Application for a Permit is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2181). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty

(30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-1.075 Disciplinary Action is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2181–2183). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-1.080 Denial of Application is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2183). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-1.090 Permits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2183–2184). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on September 7, 2018, and the public comment

period ended on September 14, 2018. At the public hearing, Department of Natural Resources staff explained the proposed amendment and one (1) comment was made.

COMMENT #1: Kaly Erwin representing the Missouri Petroleum Storage Tank Insurance Fund suggested that monitoring wells be allowed to be plugged by any non-restricted permittee instead of only by a monitoring well non-restricted permittee. Ms. Erwin also recommends that the requirement that a restricted permit holder be a primary contractor be removed. Finally, Ms. Erwin suggested that there is some overlap between water well and monitoring well permits since a water well permit holder can be qualified to install a monitoring well.

RESPONSE: A water well driller may add a permit type to drill monitoring wells. Water well construction and plugging requirements (10 CSR 23-3) differ from monitoring well construction and plugging requirements (10 CSR 23-4). Monitoring wells typically are installed in areas where contaminants exist, thereby requiring understanding and knowledge of drilling in these types of conditions. A permit is required to act as a primary contractor in the installation of wells pursuant to section 256.607.3, RSMo. No changes have been made to the rule based on this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting**  
**Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

10 CSR 23-1.105 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2184–2185). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on September 7, 2018, and the public comment period ended on September 14, 2018. At the public hearing, Department of Natural Resources staff explained the proposed amendment and two (2) comments were made. The Department of Natural Resources received one (1) additional comment on the proposed amendment.

COMMENT #1: Department of Natural Resources staff identified a discrepancy in this rule that relates to when late fees are assessed.

RESPONSE AND EXPLANATION OF CHANGE: Staff concur that this change needs to be made to provide consistent application of the rules. Section (2) is changed to remove more than thirty (30) days to be consistent with 10 CSR 23-2.010 and the current application of the regulation.

COMMENT #2: Kaly Erwin representing the Missouri Petroleum Storage Tank Insurance Fund identified the same discrepancy as described in comment #1. Ms. Erwin also requested that clarification be added to explain at what point the permit will be canceled due to nonrenewal and reapplication will be necessary.

RESPONSE: See response and explanation of change to comment #1. In addition, a permit that is not renewed will expire and a permittee may reapply to reinstate an expired permit pursuant to 10 CSR 23-1.105(3). No additional changes have been made to the rule based on this comment.

COMMENT #3: Since proposal of the rule amendment, department

staff reviewed the regulation for grammar and identified an incorrect use of a pronoun. Because the misuse of this term may have different legal effect, the change may be misinterpreted.

RESPONSE AND EXPLANATION OF CHANGE: Section (5) has been revised to correct the pronoun error.

**10 CSR 23-1.105 Permit Renewal**

(2) Any permit renewal submitted after the expiration date will be assessed a late fee pursuant to 10 CSR 23-2.010(F).

(5) Any permittee who changes companies or wishes to cancel a permit shall notify the department.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting**  
**Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-1.130 Reinstatement is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2185). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting**  
**Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-1.140 Vehicle and Machine Registration is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2185). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on September 7, 2018, and the public comment period ended on September 14, 2018. At the public hearing, Department of Natural Resources staff explained the proposed amendment and one (1) comment was made.

COMMENT #1: Kaly Erwin representing the Missouri Petroleum Storage Tank Insurance Fund recommended that the requirement for vehicles and machines to be registered be removed since there are no requirements for inspection or quality control.

RESPONSE: Registration of drill rigs is required pursuant to section 256.617, RSMo. Registration and marking of drill rigs ensures customers, members of the public, and regulators have a clear mechanism to identify permitted well installation contractors and ensure

that they are licensed to do work in Missouri. No changes have been made to the rule as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting**  
**Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-1.155** Well Drilling and Pump Installation Machine Registration **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2185–2186). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 1—Definitions, Variances, and Permitting**  
**Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-1.160** Mail and Notification Procedures **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2186). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 7, 2018, and the public comment period ended on September 14, 2018. At the public hearing, Department of Natural Resources staff explained the proposed amendment and zero (0) comments were made. The Department of Natural Resources received one (1) additional comment on the proposed amendment.

COMMENT #1: Sara Ragan commented that electronic mail should not be a requirement. Rule says shall. Not all of us have internet or fast internet. Shouldn't have to provide email if I don't want state to have it.

RESPONSE: The proposed amendments to 10 CSR 23-1.160 require that permittees notify the department of changes to their electronic mailing addresses within thirty (30) days of the change and does not require that an electronic mailing address be provided. No changes have been made to the rule as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 2—Fee Structure, Certification, and Registration**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-2.010** Fee Structure **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2186–2188). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on September 7, 2018, and the public comment period ended on September 14, 2018. At the public comment period Department of Natural Resources staff explained the proposed amendment and one (1) comment was made.

COMMENT: Kaly Erwin representing the Missouri Petroleum Storage Tank Insurance Fund asked that the fee permit for machine and service vehicle permits be removed and that the well logging be clarified to include who determines the cost.

RESPONSE: The board establishes fees that are reasonable and necessary to administer sections 256.600–256.640, RSMo pursuant to section 256.623, RSMo which includes both rig permits and logging of wells. No changes have been made to the rule as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 2—Fee Structure, Certification, and Registration**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board adopts a rule as follows:

**10 CSR 23-2.020** Certification and Registration **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2188). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on September 7, 2018, and the public comment period ended on September 14, 2018. At the public comment period Department of Natural Resources staff explained the proposed rule and one (1) comment was made.

COMMENT: Kaly Erwin representing Missouri Petroleum Storage Tank Insurance Fund asked that the registration report requirement for temporary monitoring wells be changed to state that they be submitted within one hundred and eighty (180) days of the date of the plugging of the last temporary monitoring well.

RESPONSE: Requiring plugging registration reports after the first temporary well is plugged clarifies existing language and ensures timely receipt of reports to address groundwater protection concerns. Certification and registration requirements located throughout the rule were consolidated into a single new rule in Chapter 2. The requirement that registration reports are due one hundred and eighty (180) days after a temporary well is plugged was moved from 10 CSR 23-4.020(4) to the proposed new rule 10 CSR 2.020(4)(A). No changes have been made to the rule as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 23—Well Installation  
Chapter 3—Water Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

10 CSR 23-3.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2188–2190). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed amendment was held September 7, 2018, and the public comment period ended on September 14, 2018. At the public hearing, Department of Natural Resources staff explained the proposed amendment and zero (0) comments were made. The Department of Natural Resources received one (1) additional comment on the proposed amendment.

**COMMENT #1:** Leslie Holloway with Missouri Farm Bureau questioned whether the addition of Concentrated Animal Feeding Operation (CAFO) to Table 3.1 has the same meaning as the current rule.

**RESPONSE AND EXPLANATION OF CHANGE:** Table 3.1 is being amended to remove references to Concentrated Animal Feeding Operations (CAFO) and to clarify what is meant by a building area or yard used for livestock or poultry as an Animal Feeding Operation (AFO) as defined in 10 CSR 20-6.300.

**10 CSR 23-3.010 Location of Wells**

(1) High yield unconsolidated well location requirements are found in 10 CSR 23-3.010(F). All other well types shall be—

(A) Located on a site that has sufficient surface drainage to prevent the accumulation or ponding of surface water within ten feet (10') of the well and, if possible, at a higher elevation than possible sources of contamination. The top of the casing shall extend a minimum of twelve inches (12") above ground surface;

(B) Located a minimum setback distance from potential Pollution or Contamination Sources. See 10 CSR 23-3.010 Table 3.1 for specific distances to be followed; and

(C) High yield unconsolidated wells shall be a minimum of two hundred feet (200') from contamination sources unless greater distances are specified in 10 CSR 23-3.010(1) Table 3.1.

Table 3.1 Specific setback distances for wells from pollution or contamination sources.

Feature requiring setback	Minimum horizontal distance
Storage area for commercial fertilizers or chemicals	300'
Demolition landfill	300'
Wastewater treatment plant or lagoon that serves commercial facilities, subdivisions, or mobile home parks	300'
Above ground or underground storage tank <sup>1,2</sup>	300'
Tank distribution lines for liquid petroleum, petroleum products, or chemicals <sup>1,2</sup>	300'
Earthen, concrete, or other manure storage structures or lagoons	300'
Land application areas for domestic or animal waste	300'
Animal composting facilities	300'
Unplugged abandoned wells	100'
Subsurface wastewater disposal field, grave, residential lagoon, privy, lift station, or pressurized sewer line	100'
Animal Feeding Operation (AFO) <sup>4</sup>	100'
An animal composting facility constructed with a concrete floor cell design covered with a roof	100'
Dry litter storage within a building	100'
Other areas with contaminants that may leach into the groundwater	100'
Septic tank or wastewater holding tank	50'
Pit or cistern	50'
Existing operating well	50'
Non-pressurized buried sewer line	25'
Solid waste disposal area, sanitary landfill, special waste landfill, utility waste landfill, waste stabilization pond (lagoon), or hazardous waste treatment, storage, or disposal facility <sup>3</sup>	1000'

1. Any well that cannot meet setback distances for petroleum distribution site shall meet the well construction requirements for a High Yield Bedrock well pursuant to 10 CSR 23-3.030(3).
2. Petroleum or petroleum products that are not liquid at standard temperatures and pressures are exempt from these setback requirements.
3. A safe distance cannot be determined. Any well that intercepts leachates from a waste landfill or waste stabilization pond (lagoon) shall be plugged unless it is approved by the department for use as a monitoring well.
4. Has the same meaning as defined in 10 CSR 20-6.300.



**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 3—Water Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-3.020** General Protection of Groundwater Quality and Resources **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2190–2192). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 3—Water Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-3.030** Standards for Construction of Water Wells **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2192–2203). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 3—Water Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-3.040** Well Casing Seals and Connections **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2203). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 3—Water Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

10 CSR 23-3.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2203–2206). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held September 7, 2018, and the public comment period ended on September 14, 2018. At the public hearing, Department of Natural Resources staff explained the proposed amendment and zero (0) comments were made. The Department of Natural Resources received two (2) additional comments on the proposed amendment.

COMMENT #1: Terry Whitehead asked if a pump installer is required to perform electrical wiring on domestic wells why are they not required to do so on high yield wells? High yield wells are producing large quantities of water and should be required to have a permitted pump installer perform the electrical wiring also.

RESPONSE: The electrical components of high yield wells are different than those of domestic wells and require the expertise of a trained electrician as opposed to a permitted pump installer. No changes have been made to the rule as a result of this comment.

COMMENT #2: Since proposal of the rule amendment, department staff determined that the proposed amendment may be interpreted to suggest that a previously mandatory department obligation had become discretionary. Because those terms may have different legal effect, the change may be misinterpreted.

RESPONSE AND EXPLANATION OF CHANGE: The department is revising the language to sections (1) and (6) to retain the word “shall” in order to clarify the department’s obligation.

**10 CSR 23-3.050 Pump Installation and Wellhead Completion**

(1) Pumps and Pumping Equipment.

(A) All wells shall have a pump installed that is either surface mounted or submersible.

(B) A pump shall be constructed so that no unprotected openings into the well casing exist. A hand pump, hand pump head, stand or similar device shall have a closed spout directed downward and a pump rod that operates through a stuffing box. A power driven pump shall be attached to the casing or approved suction or discharge line by a watertight connection.

(C) Backflow Prevention.

1. A backflow prevention device shall be installed on all wells where agricultural chemical injection or other pressurized contaminant sources are used.

2. A double check-spring loaded backflow prevention device shall be installed between the point of chemical injection and the water well in accordance with the manufacturer’s instructions and shall have the following:

A. A valve so that water can be drained from the system to prevent freezing;

B. A vacuum relief valve to prevent back-siphoning of chemicals into the well;

C. An automatic low pressure drain at least three-quarters inch (3/4") in diameter that drains the check valve body of water when operation of the pump is discontinued;

D. A watertight seal around the check valve;

E. An inspection port at least four inches (4") in diameter to allow inspections of the inside of the check valve; and

F. A check valve able to withstand a minimum hydraulic pressure of one hundred fifty (150) pounds per square inch (psi) without leaking and resistant to corrosion.

3. The well pump and the chemical injection pump shall be electrically or mechanically connected so that when the well pump stops, the chemical pump will shut off automatically.

(D) Electrical.

1. A permitted pump installation contractor shall perform all electrical wiring that impacts the operation of the pump or pressure system to the point of entry. Any person may perform electrical wiring on high yield wells.

2. The electric wire shall not be installed through the pitless connection and shall be grounded.

(E) Plumbing. A permitted pump installation contractor, except as exempted in section 256.607.2, RSMo, shall perform all plumbing which impacts the distribution of water from its source, through the pressure system to the point of entry. This includes, but is not limited to, pressure tanks, water treatment equipment and any other materials needed to complete the initial installation of the water system, inside and outside of the structure.

(6) Wellhead Completion.

(A) Above-ground connections shall—

1. Be a minimum of twelve inches (12") above ground surface or well house floor;

2. Have watertight piping and electrical connections that are mechanical or welded and sealed;

3. Have a protective well cap that seals tightly against the casing and has a screened vent or a casing seal that has a new rubber gasket. Cutting the rubber well seal for installation is not allowed;

4. When used, have surface driven pumps extending at least one inch (1") into the base of the motor;

5. Be provided with a minimum of one-half inch (½") diameter screened vent pointed downward;

6. Not use hubcap type well caps for permanent use; and

7. Not use temporary caps until a permanent cap or well seal is installed.

(B) Below-ground connections shall—

1. Use a pitless adaptor or pitless unit of sufficient strength to withstand normal operating stress;

2. Construct the hole cut in the casing for the installation of the pitless adaptor/unit to ensure a watertight seal with the pitless adaptor/unit in place;

3. Use a protective well cap that seals tightly against the casing and has a screened vent; and

4. Have native or grout material packed tightly around the casing and discharge pipe after installation.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 23—Well Installation  
Chapter 3—Water Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-3.060 Certification and Registration Reports  
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2213). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 23—Well Installation  
Chapter 3—Water Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-3.070 Plastic Well Casing is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2213). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 23—Well Installation  
Chapter 3—Water Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-3.080 Liners is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2213–2218). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 23—Well Installation  
Chapter 3—Water Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-3.090 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2218–2245). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held September 7, 2018, and the public comment period ended on September 14, 2018. At the public hearing, Department of Natural Resources staff explained the proposed amendment and one (1) comment was made. The Department of Natural Resources received an additional thirteen (13) comments on the proposed amendment.

COMMENTS #1 and #2: The Missouri Department of Natural Resources' Hazardous Waste Program and Gene Gunn of the

Environmental Protection Agency both commented on proposed amendments to section 11 stating that there are two National Priorities List (NPL) Superfund Sites in proposed Area 11 for which lead and cadmium are contaminants of concern in groundwater: Oronogo-Duenweg Mining Belt (Jasper County) and Newton County Mine Tailings (Newton County). Allowing new wells to be drilled into the upper aquifer in the mine affected areas could potentially cause a human health risk. The Record of Decision (ROD) for groundwater (operable unit 04) at the Oronogo-Duenweg Mining Belt site specifically cites existing provisions of the Missouri Well Drillers' Act as an institutional control to "protect future residents from drinking contaminated ground water." It is not certain what Institutional Controls other than the existing provisions of the Missouri Well Drillers' Act could prevent potential exposure by future drilling of shallow wells in the county. In addition, the deeper aquifer may also be contaminated with lead and cadmium in localized areas due to improper construction or inadequate abandonment procedures in older wells. Therefore, the requirement to test the water from new wells screened in the deeper aquifer is also important to prevent exposure of residents to mine-related waste.

**RESPONSE AND EXPLANATION OF CHANGE:** Staff agree that upon further review of the proposed amendments to section (11) Area 11 that the impact areas, sampling requirements for the upper aquifer, and impact area expansion based on sampling results as prescribed in the current rule language are necessary measures to protect future residents from drinking contaminated groundwater that were overlooked in the proposed amendment and will be addressed here. Changes will remove references to TCE concern areas and the proposed definition, remove the term TCE from impact area, and expand the definition of impact area to include lead and cadmium. See 10 CSR 23-1.010 Definitions. Rule language will be changed to require sampling of new upper aquifer wells for lead, cadmium, and TCE and will subsequently expand impact areas based on results. References to sampling requirements for new wells drilled, cased, and grouted through the lower aquifer will be removed as proposed amendments include construction requirements that will prevent aquifer mixing addressing the Oronogo OU4 Record of Decisions concern that contamination of the deep aquifer throughout Drilling Area 11 be prevented.

**COMMENTS #3, #4, and #5:** John Harrington, Chairperson of the Environmental Task Force of Jasper and Newton Counties, Anthony Moehr of the Jasper County Health Department, and Jeff Wenzel of the Missouri Department of Health and Senior Services all commented that they are opposed to the proposed rule changes to section 11 because it will increase risk to public health of residents as well as potentially cause the need for additional costly remediation activities in the future as newly drilled wells into the shallow aquifer are found to be contaminated. Further, the ETF is concerned that well testing will not be required; residents may unknowingly be exposed to harmful levels of lead and cadmium.

**RESPONSE:** See response and explanation of change to comment #1. No additional changes have been made to the rule as a result of this comment.

**COMMENT #6:** Chris Schaefer from Sunbelt Environmental proposed that the current sensitive area C should be expanded to include all of Christian County because of data that supports the rapid urbanization of Christian county and the presence of fractured cavernous limestone and pollutants which are able to migrate quickly, both vertically and horizontally. The same reasons that Sensitive Area C was made to begin with. Currently if someone lives just outside of sensitive area C (for instance in Highlandville MO) they would only be required to install a domestic water well with eighty feet (80') of casing (no less than fifteen feet (15') into bedrock). Highlandville has a fault system which runs through it, adding to the complexity of karst and secondary porosity in the form of fractures. One well in partic-

ular (with eighty feet (80') of casing) was proven to be contaminated by a neighboring livestock operation. This could have been avoided if sensitive area C had extended to include all of Christian county. The presence of the Northview shale allows people living in these areas to have access to clean water from the Ozarks Aquifer rather than from the Springfield Aquifer which has been well documented to have issues with surface contamination.

**RESPONSE:** This proposed amendment was part of the Red Tape Reduction Initiative pursuant to Executive Order 17-03. The purpose of this initiative was to remove burdensome restrictions and streamline government regulations. This proposal to expand Drill Area 9 (Sensitive Area C) to include all of Christian County is outside of the scope of the Red Tape Reduction Initiative, however this comment will be considered for future rulemaking efforts. No changes have been made to the rule as a result of this comment.

**COMMENT #7:** Kevin Gilbreath, Realtor commented that hard copy maps should be provided and asked if the list of certified labs would be provided to permittees.

**RESPONSE:** Hard copies of these maps may be obtained by contacting the Missouri Department of Natural Resources, Missouri Geological Survey, 111 Fairgrounds Road, Rolla, MO 65401 pursuant to 10 CSR 23-3.090(11)(A)1. A list of laboratories certified for drinking water analyses is maintained on the Department's website (<https://dnr.mo.gov/env/wpp/labs/index.html>) a hard copy may be obtained by contacting the Missouri Department of Natural Resources, Water Protection Program, Public Drinking Water Branch, P.O. Box 176, Jefferson City, MO 65102 or 800-361-4827. No changes have been made to the rule as a result of this comment.

**COMMENT #8:** Gary Parone, Realtor asked about sampling requirements in Newton and Jasper Counties.

**RESPONSE AND EXPLANATION OF CHANGE:** Comments received during the public comment period brought forth information on the importance of sampling new wells drilled into the upper aquifer outside of impact areas in Area 11. These requirements are reinstated for new upper aquifer wells, however, references to sampling new wells drilled, cased, and grouted through the lower aquifer for new wells are removed because the proposed amendments include construction requirements that will prevent aquifer mixing.

**COMMENT #9:** Mrs. Robin Mitchell wrote to support the proposed changes to Drill Area 11 and commented that access to public drinking water is limited in the area and that these changes will allow her family to drill water wells without the financial burden from the regulations.

**RESPONSE:** Comments received during the public comment period brought forth information on the importance of maintaining the current impact areas and not allowing new upper aquifer wells in these areas to protect future residents from drinking contaminated groundwater. The response and explanation of change under comment #1 provides additional justification. As described in the response and explanation of change to comment #8, references to sampling new wells drilled, cased, and grouted through the lower aquifer for new wells will be removed as proposed amendments include construction requirements that will prevent aquifer mixing. No changes have been made to the rule as a result of this comment.

**COMMENTS #10, #11, and #12:** John G. Mitchell, Rachelle Bramlett, and Lisa Schade commented to support the proposed amendment changes to Drill Area 11. (10 CSR 23-3.090) These changes will allow land owners to drill wells on their property without the extra cost brought on by the restrictions. Allowing residents to drill without costly restrictions based on the fact that there are wells that were drilled before the area was zoned and are free of contaminants makes sense. These changes should, at least, be allowed for areas that do not have TCE contamination. The areas with these

contaminants are minimal and the rule changes should be allowed outside of these areas. At the minimum, should the rules be left in place; an option for testing should be allowed for individual land/homeowners that would allow them to apply for a special circumstance.

RESPONSE: Comments received during the public comment period brought forth information on the importance of maintaining the current impact areas and not allowing new upper aquifer wells in these areas to protect future residents from drinking contaminated groundwater. The response and explanation to comment #1 provides additional justification for making this change. As described in the response and explanation of change to comment #8, references to sampling new wells drilled, cased, and grouted through the lower aquifer for new wells will be removed because the proposed amendments include construction requirements that will prevent aquifer mixing. No changes have been made to the rule as a result of this comment.

COMMENT #13: Jim Harris with the Missouri Department of Natural Resources commented that Table 3.15 of the proposed rule should say Department of Army instead of Army Corps of Engineers and that it does not include all of the groundwater contaminants of concern for the Former Weldon Spring Ordinance Works. Groundwater contaminants of concern are: 2,4-dinitrotoluene (2,4-DNT), 2,6-dinitrotoluene (2,6-DNT), 2,4,6-trinitrotoluene (TNT), 1,3-dinitrobenzene (1,3-DNB), nitrobenzene (NB), ortho-nitrotoluene (o-NT), meta-nitrotoluene (m-NT), and para-nitrotoluene (p-NT). In addition the references to the contaminants exceeding MCL or AL of contaminants listed in Table 3.15 should also reference remedial goals stated in the Record of Decisions, or the risk-based value(s) calculated in the most recent site five-year review.

RESPONSE AND EXPLANATION OF CHANGE: Staff agree that these changes will clarify the contaminants of concern and any new information reflected in the Record of Decisions or five (5) year site reviews and have made the suggested changes to section (13) and Table 3.15.

COMMENT #14: Kaly Erwin representing Missouri Petroleum Storage Tank Insurance Fund commented that there is an error in the purpose statement where it says this rule sets construction standards and that Drill Area 5, Section 5 is missing a reference to domestic wells to make it consistent with the other sections. Ms. Erwin went on to state that an additional look be taken at unconsolidated wells in Area 5 to ensure the alluvial aquifer is not put at risk. Finally Ms. Erwin recommended wells drilled in the upper aquifer in Drill Area 11, Section 11 not be allowed out of concern for water quality in the upper aquifer.

RESPONSE: In the purpose statement to the proposed amendment 10 CSR 23-3.090, the bold italicized text is new text and the text in brackets is being removed. Proposed amendments to section (5)(B) address ambiguity in the regulations by providing construction requirements for unconsolidated wells that have casing diameters between six and five-eighths inches (6 5/8") and four inches (4"), while exempting small diameter (less than four inches) unconsolidated wells (i.e., sand-point wells) in Area 5. Previously it was unclear how wells that have casing diameters between six and five-eighths inches (6 5/8") and two inches (2") were regulated. For comments to section 11, Drill Area 11, see comment #1 and response and explanation of change. No changes have been made to the rule as a result of this comment.

#### 10 CSR 23-3.090 Drilling Areas

(11) Area 11 (formerly Special Area 2). This area encompasses Newton and Jasper County and is delineated separately due to the contamination of portions of the upper aquifer by one (1) or more of the following: lead, cadmium, chlorinated VOCs including TCE,

TCE degradation products, or other contaminants pursuant to 10 CSR 60-4. The upper aquifer (Springfield Plateau Aquifer) and lower aquifer (Ozark Aquifer) are separated by low-permeability bedrock (Ozark Confining Unit). This low-permeability bedrock limits migration of groundwater and any associated contamination from the upper aquifer to the lower aquifer (see Figure 3.2).

##### (A) Bedrock Wells.

1. Consult the digital geospatial dataset "DRILL AREAS" developed by the Missouri Department of Natural Resources, Missouri Geological Survey. Hard copies may be obtained by contacting the Missouri Department of Natural Resources, Missouri Geological Survey, 111 Fairgrounds Road, Rolla, MO 65401. This dataset identifies the maximum well depth for wells completed in the upper aquifer; the required casing depth for a lower aquifer well; and Impact Areas.

2. Wells outside of Impact Areas may be installed in the upper aquifer provided they do not penetrate the Ozark Confining Unit; or wells may be installed and cased/sealed through the Ozark Confining Unit and open to only the lower aquifer.

##### 3. New upper aquifer wells outside of Impact Areas.

A. Total depth of the well shall not penetrate the Ozark Confining Unit and not exceed the upper depth indicated digital geospatial dataset "DRILL AREAS".

B. A minimum of eighty feet (80') of casing shall be installed and extend a minimum of thirty feet (30') into solid bedrock. Example: If sixty feet (60') of residual material or broken rock is encountered during drilling above solid bedrock, then ninety feet (90') of casing will be installed.

C. The borehole for domestic wells shall be a minimum of eight and five-eighths inches (8 5/8") in diameter to casing depth.

D. Install new casing pursuant to 10 CSR 23-3.030(1)(A).

E. Grouting Requirements.

(I) The lowermost thirty feet (30') of casing shall be grouted. Table 3.10 lists the minimum amount of grout required by type and size of annulus or open hole.

(II) Grouting materials and methods shall be followed pursuant to 10 CSR 23-3.030(1)(C).

(III) The annular space above the grouted interval shall be filled with clean fill.

F. New upper aquifer wells shall follow sampling requirements pursuant to 10 CSR 23-3.090(11)(A)6.

##### 4. New lower aquifer wells outside of the Impact Areas.

A. The casing shall be installed a minimum of ten feet (10') below the Ozark Confining Unit or to the lower depth indicated on the digital geospatial dataset "DRILL AREAS".

B. A casing point request may be submitted to the department.

C. Install new casing pursuant to 10 CSR 23-3.030(1)(A).

D. If steel casing is used, the borehole shall be a minimum of eight and five-eighths inches (8 5/8") in diameter to casing depth.

E. When steel casing is used and the minimum casing depth cannot be achieved due to geologic reasons, casing shall be installed to a minimum of eighty feet (80') extending thirty feet (30') into bedrock and a liner used to achieve the remaining casing depth provided the following requirements are met:

(I) Have a minimum annular space of one-half inch (1/2");

(II) Have a minimum of two (2) three- (3-) ribbed rubber packers (K-packers) secured at or below the bottom of the Ozark Confining Unit pursuant to 10 CSR 23-3.090(11)(A)4.A.;

(III) Have the top of the liner extend to within ten feet (10') of the top of casing;

(IV) Have packers placed a maximum of ten feet (10') apart;

(V) Grout pursuant to 10 CSR 23-3.090(11)(A)4.G. from the top packer to extend ten feet (10') inside the casing using the gravity or tremie grouting method using cement slurry or coated bentonite pellets; and

(VI) Liner specifications shall be followed pursuant to 10

CSR 23-3.080(1), (2), (4), and (5).

F. If plastic casing is used, the borehole shall be a minimum of ten inches (10") in diameter to the casing depth. When plastic casing is used liner shall not be used in lieu of casing.

G. Grouting Requirements.

(I) Full length grout is required.

(II) Grouting methods shall be Tremie Pressure, Pressure, or Positive Displacement pursuant to 10 CSR 23- 3.030(1)(C)1.C., 10 CSR 23-3.030(1)(C)1.D., and 10 CSR 23-3.030(1)(C)1.F.

(III) Grouting materials shall be cement slurry or high-solids bentonite slurry.

(IV) Wells with eighty feet (80') of casing may use grouting materials and methods pursuant to 10 CSR 23-3.030(1)(C).

H. All construction requirements pursuant to 10 CSR 23-3.030 shall be met except as provided in 10 CSR 23-3.090(11)(A)4.G.

5. Major reconstruction of wells in Area 11 that involve exceeding the upper depth indicated in the digital geospatial dataset "DRILL AREAS" or penetrating the Ozark Confining Unit requires advanced written approval from the department.

6. Sampling Requirements for new upper aquifer wells.

A. Water sampling and analysis shall be performed for lead, cadmium, TCE and its degradation products for new wells.

B. Permitted pump installers and owners who self-install pumps are responsible for ensuring sampling is completed according to laboratory sampling protocol and submitting sample results within sixty (60) days of pump installation.

C. The laboratory that analyzes the sample shall be certified by the EPA or the department for such analyses.

D. Prior to sampling, the well shall be purged continuously for a minimum of two (2) hours and water samples collected from the tap closest to the well.

E. All new upper aquifer wells shall be constructed with a sampling port or tap within twenty feet (20') of the wellhead.

F. If an upper aquifer well contains levels of lead, cadmium, TCE or its degradation products that are above MCL or AL, the well shall—

(I) Be plugged full length with approved grout material; or

(II) Be reconstructed and sealed through the Ozark Confining Unit pursuant to 10 CSR 23-3.090(11)(A)5.

7. Well installation in Impact Areas.

A. The casing shall be installed a minimum of ten feet (10') below the Ozark Confining Unit or to the lower depth indicated in the digital geospatial dataset "DRILL AREAS".

B. A casing point request may be submitted to the department.

C. Install new casing pursuant to 10 CSR 23-3.030(1)(A).

D. The borehole shall be a minimum of ten inches (10") in diameter to casing depth.

E. Grouting Requirements.

(I) Full length grout is required.

(II) Grouting methods shall be Tremie Pressure, Pressure, or Positive Displacement pursuant to 10 CSR 23-3.030(1)(C)1.C., 10 CSR 23-3.030(1)(C)1.D., and 10 CSR 23-3.030(1)(C)1.F.

(III) Grouting materials shall be cement slurry or high-solids bentonite slurry.

(B) Unconsolidated Material Wells.

1. If unconsolidated material wells are drilled in Area 11 outside of Impact areas, Drill Area 1 requirements for unconsolidated wells apply.

2. Advanced written approval from the department is required if unconsolidated material wells are drilled in Impact Areas.

stringent well construction standards for new wells that are drilled into the aquifer and to limit the deepening of existing upper aquifer wells (see Figure 3.10).

(13) Area 13 (formerly Special Area 4). This area encompasses portions of St. Charles County west of the city of Weldon Spring and is delineated separately due to contamination of portions of the aquifer by one (1) or more of the following known contaminants listed by source in Table 3.15. In this area it is necessary to implement more

Table 3.15. Known contaminants of Drill Area 13 by source.

Source	Known Contaminants <sup>1</sup>
U.S. Army	2,4,6-TNT, 2,4-DNT, 2,6-DNT, dinitrobenzene (1,3-DNB), nitrobenzene (NB), ortho-nitrotoluene (o-NT), meta-nitrotoluene (m-NT), para-nitrotoluene (p-NT)
Department of Energy Main Site	2,4,6-TNT, 2,4-DNT, 2,6-DNT, dinitrobenzene (1,3-DNB), nitrobenzene (NB), nitrate, uranium, and trichloroethylene (TCE)
Department of Energy Quarry	uranium and 2,4-DNT

<sup>1</sup>May also include other contaminants pursuant to 10 CSR 60-4.

(A) New Wells.

1. Prior written approval and construction specifications shall be obtained from the department for any wells constructed in Area 13.

2. Water sampling for contaminants will be required pursuant to 10 CSR 23-3.090(13)(C).

3. Drilling shall cease and the department is to be notified immediately if contaminants listed in Table 3.15 or other contaminants pursuant to 10 CSR 60-4 are encountered at levels above the maximum contaminant level (MCL), action level (AL), remedial goals stated in the Record of Decisions, and/or the risk-based value(s) calculated in the most recent site five- (5-) year review. The department will determine further action.

(B) Reconstruction of Existing Wells.

1. Prior written approval and construction specifications shall be obtained from the department for any reconstructed wells in Area 13.

2. Groundwater sampling for contaminants listed in Table 3.15 or other contaminants pursuant to 10 CSR 60-4 will be required in advance of any deepening. Wells that are contaminated at levels exceeding maximum contaminant level (MCL), action level (AL), remedial goals stated in the Record of Decisions, and/or the risk-based value(s) calculated in the most recent site five- (5-) year review shall not be deepened.

3. Any well approved to be deepened which encounters contaminants listed in Table 3.15 or other contaminants pursuant to 10 CSR 60-4 at levels above maximum contaminant level (MCL), action level (AL), remedial goals stated in the Record of Decisions, and/or the risk-based value(s) calculated in the most recent site five- (5-) year review, drilling shall cease and the department shall be notified immediately. The department will determine further action.

(C) Water Sampling.

1. Groundwater sampling for contaminants is required according to laboratory sampling protocol for any new well or reconstruction and methods will be established on a case-by-case basis by the department.

2. The well installation contractor is responsible for ensuring sampling is conducted throughout the drilling process and results submitted in accordance with pre-approved department sampling methods. Final sampling of the well shall be completed by the pump installation contractor within sixty (60) days of pump installation. Wells will not be certified or registered until all sampling has been completed.

3. Sampling and analysis shall be performed for contaminants listed in Table 3.15.

4. The laboratory that analyzes the sample shall be certified by the EPA or the department for such analyses.

5. All new and deepened wells shall be constructed with a sampling port or tap at or before the pressure tank within twenty feet (20') of the wellhead.

(D) Plugging.

1. Wells shall be plugged full length using bentonite slurry or cement grout via one (1) of the tremie methods.

2. All plugging requirements in 10 CSR 23-3.110 shall be met except as required in 10 CSR 23-3.090(13)(D).

(E) All drilling-derived fluids, displaced water, and solid materials shall be containerized and sampled before disposal in accordance with federal, state, and local regulations based on analytical results.

(F) Any completed (new or reconstructed) well in which contaminants listed in Table 3.15 or other contaminants pursuant to 10 CSR 60-4 are encountered at levels above the maximum contaminant level (MCL), action level (AL), remedial goals stated in the Record of Decisions, and/or the risk-based value(s) calculated in the most recent site five- (5-) year review shall be plugged full-length (10 CSR 23-3.090(13)(D)) or with approval from the department the well owner may be allowed to use the well provided groundwater quality will not be degraded further.

(G) Notwithstanding these provisions, the federal government does not waive its rights and authority under federal law, regulations, or executive order within the boundaries and applicable jurisdiction of federal property.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 23—Well Installation

#### Chapter 3—Water Well Construction Code

### ORDER OF RULEMAKING

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

#### 10 CSR 23-3.100 Sensitive Areas is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2246). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 23—Well Installation

#### Chapter 3—Water Well Construction Code

### ORDER OF RULEMAKING

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

#### 10 CSR 23-3.110 Plugging of Water Wells is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2246–2250). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 4—Monitoring Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-4.010 Definitions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2250). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 4—Monitoring Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-4.020 Certification and Registration for Monitoring Wells is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2250). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 4—Monitoring Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-4.030 Location of Wells is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2250). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective

thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 4—Monitoring Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-4.050 General Protection of Groundwater Quality and Resources is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2250–2251). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 4—Monitoring Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-4.060 Construction Standards for Monitoring Wells is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2251–2255). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on September 7, 2018, and the public comment period ended on September 14, 2018. At the public hearing, Department of Natural Resources staff explained the proposed amendment and one (1) comment was made.

COMMENT #1: Kaly Erwin representing the Missouri Petroleum Storage Tank Insurance Fund stated that they support the proposed amendment that all monitoring wells be uniquely identified at the surface completion.

RESPONSE: This amendment was proposed to provide clarity for well numbering while allowing flexibility on how each well is uniquely identified. No changes have been made to the rule as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 4—Monitoring Well Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-4.080** Plugging of Monitoring Wells **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2255). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 5—Heat Pump Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-5.010** Definitions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2256). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 5—Heat Pump Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-5.020** Certification and Registration of Heat Pump Systems **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2256). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 5—Heat Pump Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section

256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-5.030** General Protection of Groundwater Quality and Resources **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2256). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 5—Heat Pump Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-5.040** Location of Heat Pump Wells **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2256–2257). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 5—Heat Pump Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-5.050** Construction Standards for Closed-Loop Heat Pump Wells **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2257–2259). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on September 7, 2018, and the public comment period ended on September 14, 2018. At the public hearing, Department of Natural Resources staff explained the proposed amendment and zero (0) comments were made. The Department of Natural Resources received one (1) additional comment on the proposed amendment.

COMMENT #1: An anonymous person stated remove the requirement to prenotify heat pump systems that are not full length grouted. Have there been any issues with the plugs since this became a requirement? Not making the groundwater safe, just another



requirement on the driller.

RESPONSE: Pursuant to 10 CSR 23-5.050(7)(B) prenotification is a requirement only for closed-loop heat pump wells less than two hundred feet (200') deep that are not grouted full length, but use a series of five foot (5') plugs. Prenotification provides staff advanced notice to witness these installations and ensure this plugging method is being completed in accordance with regulations. No changes have been made to this amendment as a result of this comment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 23—Well Installation  
Chapter 5—Heat Pump Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-5.060 Construction Standards for Open-Loop Heat Pump Systems is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2259). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 23—Well Installation  
Chapter 5—Heat Pump Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-5.080 Plugging of Heat Pump Wells is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2259–2260). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 23—Well Installation  
Chapter 6—Test Hole Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-6.010 Definitions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg

2260). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 23—Well Installation  
Chapter 6—Test Hole Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-6.020 General Protection of Groundwater Quality and Resources is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2260–2261). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 23—Well Installation  
Chapter 6—Test Hole Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-6.030 Location of Test Holes is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2261). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 23—Well Installation  
Chapter 6—Test Hole Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

**10 CSR 23-6.040 Construction Standards for Test Holes is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2261). No changes have been made in the text of

the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 6—Test Hole Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board amends a rule as follows:

10 CSR 23-6.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2261-2263). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

COMMENT: Since proposal of the rule amendment, department staff determined that the proposed amendment may be interpreted to suggest that a previously mandatory department obligation had become discretionary.

RESPONSE AND SUMMARY OF CHANGE: The department is revising the language to add the word “shall” to section (1) in order to clarify the department’s obligation.

**10 CSR 23-6.050 Plugging of Test Holes**

(1) All test holes, except those that are converted to other types of wells shall be plugged in accordance with this chapter within sixty days from the date that the well was drilled. Submit plugging registration records pursuant to section 256.614.1, RSMo. Test holes are exempt from submitting construction certification records.

(A) Plugging the Test Hole.

1. Test holes with no surface casing.

A. Fill the test hole from total depth to within two feet (2') of ground surface with grout.

B. If the Davis Formation is penetrated, a grout plug shall extend from the bottom of the formation to within two feet (2') of ground surface.

C. A mechanical packer may be installed at the bottom of the Davis Formation or emplace clean fill from total depth to the bottom of the Davis Formation to hold the grout plug in place.

D. Fill the top two feet (2') of hole with soil.

2. Test holes with removable surface casing pipe.

A. Remove the surface casing and any interior casing if used.

B. Fill the test hole from total depth to within two feet (2') of ground surface with grout.

C. If the borehole has collapse potential, add grout as casing is withdrawn.

D. If the Davis Formation is penetrated, a grout plug shall extend from the bottom of the formation to within two feet (2') of ground surface.

E. A mechanical packer may be installed at the bottom of the Davis Formation or emplace clean fill from total depth to the bottom of the Davis Formation to hold the grout plug in place.

F. Fill the top two feet (2') of hole with soil.

3. Test holes with grouted nonremovable surface casing.

A. Cut the casing off two feet (2') below ground surface or three feet in an agricultural area. If bedrock is encountered, cut the

casing flush with the top of bedrock.

B. Fill the test hole from total depth to within two feet (2') of ground surface with grout.

C. If the Davis Formation is penetrated, a grout plug shall extend from the bottom of the formation to within two feet (2') of ground surface.

D. A mechanical packer may be installed at the bottom of the Davis Formation or emplace clean fill from total depth to the bottom of the Davis Formation to hold the grout plug in place.

E. Fill the top two feet (2') of hole with soil.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 23—Well Installation**  
**Chapter 6—Test Hole Construction Code**

**ORDER OF RULEMAKING**

By the authority vested in the Well Installation Board under section 256.606, RSMo 2016, the board rescinds a rule as follows:

**10 CSR 23-6.060 Confidentiality of Registration Report Form is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2263). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 50—Oil and Gas Council**  
**Chapter 1—General Procedures and Definitions**

**ORDER OF RULEMAKING**

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo 2016, the council amends a rule as follows:

**10 CSR 50-1.020 General Procedures is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2265-2266). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 50—Oil and Gas Council**  
**Chapter 1—General Procedures and Definitions**

**ORDER OF RULEMAKING**

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo 2016, the council amends a rule as follows:

**10 CSR 50-1.030 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2266-2268). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 50—Oil and Gas Council**  
**Chapter 1—General Procedures and Definitions**

**ORDER OF RULEMAKING**

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo 2016, the council amends a rule as follows:

**10 CSR 50-1.050 Assessment of Costs is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2268). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held September 6, 2018. At the public hearing, staff explained the proposed amendment and zero (0) comments were made. An additional comment was received. The Department of Natural Resources received one (1) additional comment on the proposed amendment.

COMMENT #1: Joan Levick representing Spire Energy recommended changing section (1) subsection (I) from “each month the form or report” to “each month until any required form or report” to add clarity.

RESPONSE: The rule language Ms. Levick references was removed in the proposed amendment to add clarity. The new language reads, “A late fee of no more than one hundred dollars (\$100) per month assessed against the responsible party each month until the form or report has been submitted.”

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 50—Oil and Gas Council**  
**Chapter 2—Oil and Gas Drilling and Production**

**ORDER OF RULEMAKING**

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo 2016, the council amends a rule as follows:

**10 CSR 50-2.010 Operator License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (39 MoReg 2268-2269). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held September 6, 2018. At the public hearing, staff explained the proposed amendment and zero (0) comments were

made. An additional comment was received. The Department of Natural Resources received one (1) additional comment on the proposed amendment.

COMMENT #1: Joan Levick representing Spire Energy recommended changing section (1) from “even if the well or storage facility” to “even if the well or gas storage facility” to add clarity.

RESPONSE: The rule language Ms. Levick references was removed in the proposed amendment to add clarity. The new language reads, “No person shall engage in oil or gas operations pursuant to Chapter 259, RSMo, and implementing regulations without first obtaining or renewing an operator license from the department, even if the well or storage facility is shut in or idle.”

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 50—Oil and Gas Council**  
**Chapter 2—Oil and Gas Drilling and Production**

**ORDER OF RULEMAKING**

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo 2016, the council amends a rule as follows:

**10 CSR 50-2.020 Bonds is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2269-2271). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 50—Oil and Gas Council**  
**Chapter 2—Oil and Gas Drilling and Production**

**ORDER OF RULEMAKING**

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo 2016, the council amends a rule as follows:

**10 CSR 50-2.030 Application for Permit to Drill, Deepen, Plug-Back, or Recomplete is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2272-2273). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 50—Oil and Gas Council**  
**Chapter 2—Oil and Gas Drilling and Production**

**ORDER OF RULEMAKING**

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo 2016, the council amends a rule as follows:

**10 CSR 50-2.040 Drilling and Completion is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2273-2274). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 50—Oil and Gas Council  
Chapter 2—Oil and Gas Drilling and Production**

**ORDER OF RULEMAKING**

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo 2016, the council amends a rule as follows:

**10 CSR 50-2.055 Injection Wells, Mechanical Integrity Testing, and Well Stimulation Treatment is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2274-2276). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 50—Oil and Gas Council  
Chapter 2—Oil and Gas Drilling and Production**

**ORDER OF RULEMAKING**

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo 2016, the council amends a rule as follows:

**10 CSR 50-2.060 Shut-in Wells, Plugging, and Conversion to Water Well is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2276-2278). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 50—Oil and Gas Council  
Chapter 2—Oil and Gas Drilling and Production**

**ORDER OF RULEMAKING**

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo 2016, the council amends a rule as follows:

**10 CSR 50-2.065 Operations is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2278-2279). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 50—Oil and Gas Council  
Chapter 2—Oil and Gas Drilling and Production**

**ORDER OF RULEMAKING**

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo 2016, the council amends a rule as follows:

**10 CSR 50-2.080 Record Retention and Reporting is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2279-2280). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 50—Oil and Gas Council  
Chapter 2—Oil and Gas Drilling and Production**

**ORDER OF RULEMAKING**

By the authority vested in the State Oil and Gas Council under section 259.070.5, RSMo 2016, the council amends a rule as follows:

**10 CSR 50-2.090 Disposal of Fluids by Injection is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2280). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 3—Solid Waste Disposal Areas-Sanitary,  
Demolition, and Special Waste Landfills**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Natural Resources under section 260.225, RSMo 2016, the director amends a rule as follows:

**10 CSR 80-3.010 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1,

2018 (43 MoReg 2280-2307). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing was held on September 18, 2018, and the public comment period ended September 25, 2018. At the public hearing, Department staff provided testimony on the proposed amendment. No verbal comments were received and one (1) written comment was received from Gredell Engineering. The department received written comments during the comment period from Gredell Engineering, Aqualaw, Weaver Consultants, SCS Engineering, and Barker Lemar Companies. There are ninety (90) consolidated comments listed below.

**COMMENT #1.** General Comment on the Rule Organization. Mr. Rickie Roberts with Gredell Engineering had the following general comment: "The consolidation of 10 CSR 80-3.010 and 10 CSR 80-4.010 into a revised rule 10 CSR 80-3.010 and entitling to revised rule Solid Waste Disposal Areas-Sanitary, Demolition, and Special Waste Landfills is a welcomed change and update. However, the proposed amendment as published encumbers numerous more stringent requirements into the rule for all the types of landfills addressed in it. In the proposed amendment the department has deleted from section (1) General Provisions (A) of the rule the designation of all succeeding rule subsections, the following designations: (A) Requirement. (The minimum levels of performance required of any landfill.); (B) Satisfactory Compliance-Design. and (C) Satisfactory Compliance-Operations. (The satisfactory compliance subsections presented as the authorized methods by which the objectives of the requirements subsections of the rule can be realized.) The elimination of these designations in the proposed amendment in all of the rule subsections (existing and new) elevates their status to the level of regulatory requirements. This eliminates the flexibility to use new design and operating technologies in applications for new permits and in permit modifications to satisfy performance based regulations. The proposed amendment now requires stringent adherence to specific current landfill design and operating practices which inevitably will become obsolete and substandard as being protective to human health and the environment. It will stifle the use and advancement of ingenuity and technological advancement in designing better landfills. My comment and recommendation is to take the existing 10 CSR 80-3.010 rule subsections 10 CSR 80-3.010 (1) (A), (2) (A), (3) (A), (4) (A), 5 (A), 6 (A), 7 (A), (8) (A), (9) (A), (10) (A), (11) (A), (12) (A), (13) (A), (14) (A), (15) (A), (16) (A), (17) (A), (18) (A), (19) (A) and (20) (A); modify them to address both sanitary and demolition landfills then combine the proposed subsections (21) (A) and (22) (A) to propose a revised rule which is a performance based regulation protective of human health and the environment. Such a proposed rule amendment will significantly reduce unnecessary red tape and allow the maximum use of professional judgement and utilization of new and advancing design and operating technology. The remaining subsections of the proposed amendment (subsections (B), (C), (D) and (E),-----) could be incorporated into a Solid Waste Disposal Area - Design and Operations Guide which would provide a designer, owner and permittee guidance on preparing an adequate permit application while allowing justification for alternative designs and operating practices.

**RESPONSE:** Resource Conservation and Recovery Act (RCRA) Subpart D is a design-based regulation. There are specific design requirements in 40 CFR 258 that must be in place to maintain a federally-approved state sanitary landfill program. Alternative designs are allowed under 10 CSR 80-3.010(1)(A), if they can be adequately demonstrated to the Department Director. No changes were made to the rule as a result of this comment.

**COMMENT #2.** Rule Title. A department staff member commented to change the rule title from Solid Waste Disposal Areas-Sanitary, Demolition, and Special Waste Landfills to Design and Operation.

**RESPONSE AND EXPLANATION OF CHANGE:** The department has incorporated the requested change, keeping the entity who is regulated in the title but adding the purpose of the chapter to the title.

**COMMENT #3.** Rule purpose. Ms. Renee Trenshaw with SCS Engineering stated the following regarding incorporation by reference of ASTM standards and EPA standards: What does this mean? How is state planning on using this? What about other standards?

**RESPONSE:** The department must reference the most recent ASTM International standards and Environmental Protection Agency (EPA) guidance by the publication date. No changes have been made to the rule as a result of this comment.

**COMMENT #4.** 10 CSR 80-3.010(1)(A) A department staff member requested that "the" be removed between "protect" and "human."

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and has incorporated the requested change.

**COMMENT #5.** 10 CSR 80-3.010(1)(B) Ms. Renee Trenshaw with SCS Engineering stated the following: Must have it on site and be accessible. Do our clients have this now? Can they find things?

**RESPONSE:** These questions appears to be unrelated to the proposed rule text and instead ask questions of the regulated landfill owner/operators. No changes have been made to the rule as a result of this comment.

**COMMENT #6.** 10 CSR 80-3.010(1)(C) Ms. Renee Trenshaw with SCS Engineering stated the following: What is the process for incorporating subsequent amendments? Can a site request a permit modification or does it have to be a regulation change?

**RESPONSE:** The department is required to reference a specific date for any ASTM standard or other referenced document adopted by rule. No changes have been made to the rule as a result of this comment.

**COMMENT #7.** 10 CSR 80-3.010(2)(A)4. Mr. Paul Calamita with Aqualaw requested we add "in the manner necessary to ensure that unacceptable and unapproved waste do not enter the landfill" to the end of the existing phrase which stated "The owner/operator shall inspect each load of special waste upon its arrival at the landfill."

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and has incorporated the requested addition.

**COMMENT #8.** 10 CSR 80-3.010(2)(A)7. A department staff member requested that "(1)" be added following "one."

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and has incorporated the requested addition.

**COMMENT #9.** 10 CSR 80-3.010(2)(A)8. Mr. Paul Calamita with Aqualaw requested we reword to state the following: "Any special waste that requires handling procedures significantly different from typical municipal solid waste shall be handled in accordance with the landfill operating record and any special conditions established by the landfill operator during the special waste approval process. The department reserves the right to require revisions to the landfill operating manual and landfill operations for special waste that may adversely affect the health and safety of landfill personnel or may be extremely difficult to handle."

**RESPONSE AND EXPLANATION OF CHANGE:** The department has incorporated the requested addition with modifications to clarify that special waste must be handled in accordance with the approved landfill operating "manual" and using the term "special procedures" instead of "special conditions."

COMMENT #10. 10 CSR 80-3.010(2)(A)8. A department staff member commented that this paragraph is missing closing punctuation.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #11. 10 CSR 80-3.010(2)(A)9. A department staff member requested that "specimens" be changed to samples.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #12. 10 CSR 80-3.010(2)(A)10. Ms. Renee Trenshaw with SCS Engineering stated the following: How to define? how to monitor? Addendum to CQA report required?

RESPONSE: The comment contains a series of questions that appear to be more appropriate for a landfill owner/operator to address in their submittal of a landfill operating manual. The department believes the contents of an operating manual should remain flexible as long as the contents are reasonable and protective of human health, safety, and the environment. As a result, this comment is believed to be outside the scope of the current rulemaking. No changes have been made to the rule as a result of this comment.

COMMENT #13. 10 CSR 80-3.010(2)(A)16. Ms. Renee Trenshaw with SCS Engineering stated the following: Seems like an odd place. MSW is located in following subsection under operations plan. What about special waste landfills?

RESPONSE: This paragraph is appropriate in subsection (2)(A) because it describes accepted waste; excluded waste is described in subsection (2)(B). Special Waste Landfills are addressed in section (22). No changes have been made to the rule as a result of this comment.

COMMENT #14. 10 CSR 80-3.010(2)(B)2.C. A department staff member requested that PCB be spelled out.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #15. 10 CSR 80-3.010(2)(B)2.F. A department staff member requested that "Subpart" be changed to lowercase "subpart."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #16. 10 CSR 80-3.010(2)(B)2.F. A department staff member commented that the acronym NESHAP, should be "National Emission Standards for Hazardous Air Pollutants (NESHAP) for Asbestos (2004)."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #17. 10 CSR 80-3.010(2)(B)3. Ms. Renee Trenshaw with SCS Engineering stated the following: C&D included previously. What about special waste landfills?

RESPONSE: Special Waste Landfills are addressed in section (22). No changes have been made to the rule as a result of this comment.

COMMENT #18. 10 CSR 80-3.010(3)(B)2.A. A department staff member requested that needs a ":" after "will not."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #19. 10 CSR 80-3.010(3)(B)7. Ms. Anastasia Welch with SCS Engineering stated the following: What is "Base?" Top of subgrade underneath compacted soil layer?

RESPONSE AND EXPLANATION OF CHANGE: The base is considered the top of the subgrade underneath the compacted clay liner. The department has added clarification to the rule text.

COMMENT #20. 10 CSR 80-3.010(4). Ms. Renee Trenshaw with SCS Engineering stated the following: So what happens if a site does not have all of these but is an existing facility? Do have to make all these changes/revisions prior to being able to request a modification? What if soils testing did not use the same ASTM methods outlined here, etc.?

RESPONSE: An existing permitted facility will have approved plans and designs as applicable under rules in place at the time of approval. The proposed rule section is not retroactive. A permit modification request must comply with the currently applicable rule and any related standards (i.e., ASTM). Submittal of documents must be prepared, sealed, and signed by a licensed professional engineer. No changes have been made to the rule as a result of this comment.

COMMENT #21. 10 CSR 80-3.010(4). Ms. Renee Trenshaw with SCS Engineering stated the following: Procedures for construction? What does this mean? What is state envisioning?

Tech specs or the type of detail we already include with the construction quality assurance (CQA) Plans?

RESPONSE: The remainder of this section details the procedures for testing, site evaluation and preparation, and construction. CQA plans and certifications are a part of the construction process. No changes have been made to the rule as a result of this comment.

COMMENT #22. 10 CSR 80-3.010(4)(A)1. Ms. Renee Trenshaw with SCS Engineering stated the following: I dislike this...i get it...but most of our sites will definitely not fit on this.

RESPONSE: This paragraph allows for additional plan sheets to be submitted to cover the entire site. No changes have been made to the rule as a result of this comment.

COMMENT #23. 10 CSR 80-3.010(4)(A)5. Ms. Renee Trenshaw with SCS Engineering stated the following: What if existing landfill applying for permit mod?

RESPONSE: This provision would be applicable to new permits (i.e. horizontal expansions and new construction). The provision will not affect a permit modification. Further, this is an existing provision that was included in the previous rule and should already be part of landfill designs. No changes have been made to the rule as a result of this comment.

COMMENT #24. 10 CSR 80-3.010(4)(A)7. Ms. Renee Trenshaw with SCS Engineering stated the following: What is site thinking here? Design grades of ditches, etc.? Something else?

RESPONSE: This demonstration should include structures designed to improve surface water flow that would otherwise adversely impact geologic and hydrologic conditions. No changes have been made to the rule as a result of this comment.

COMMENT #25. 10 CSR 80-3.010(4)(F). Ms. Anastasia Welch with SCS Engineering stated the following: Suggest SDR 11 Minimum for sump and side slope riser design.

RESPONSE: Current practices employ several SDR sizes. This subsection is worded to allow for flexibility; the department does not want to limit options and require facilities to overdesign. No changes have been made to the rule as a result of this comment.

COMMENT #26. 10 CSR 80-3.010(4)(G). Ms. Renee Trenshaw with SCS Engineering stated the following: What is MDNR looking for with these? Intermediate grading/slopes or just a 2D phasing plan (lines with approximate locations of phases?)

RESPONSE: This is intended for the applicant to demonstrate the intermittent grading and slopes during each phase of construction and waste placement. This is critical for the sequencing of the landfill development. No changes have been made to the rule as a result of this comment.

COMMENT #27. 10 CSR 80-3.010(4)(H). Ms. Anastasia Welch with SCS Engineering stated the following: How to define groundwater elevations? from one well? the whole surface? the highest ever, within last 10 years, etc.

RESPONSE: Groundwater elevation is a professional determination by a geologist and/or hydrologist, and is determined during the detailed site investigation (DSI) from data typically collected from multiple wells over a period of time. No changes have been made to the rule as a result of this comment.

COMMENT #28. 10 CSR 80-3.010(4)(I). Ms. Anastasia Welch with SCS Engineering stated the following: What about existing landfills continuing construction?

RESPONSE: No new construction of pre-Subtitle D liner systems is allowed. 10 CSR 80-3.010 was revised in 1997, requiring composite liner construction. All new construction must comply with the current design and construction standards. No changes have been made to the rule as a result of this comment.

COMMENT #29. 10 CSR 80-3.010(4)(I)1.C. Ms. Anastasia Welch with SCS Engineering stated the following: Can we define what qualifies as protection? or the limit on the number of cycles that are acceptable?

RESPONSE: Construction means and methods must be implemented to prevent these effects from compromising the compacted soil liner. The required means and methods are site-specific field engineering, determined in consultation with the department. No changes have been made to the rule as a result of this comment.

COMMENT #30. 10 CSR 80-3.010(4)(I)1.D.(II) A department staff member requested that "200" be corrected to "two hundred (200)."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #31. 10 CSR 80-3.010(4)(I)1.E. Ms. Renee Trenshaw with SCS Engineering stated the following: Please confirm this means perpendicular to the pipes and along the pipes both?

RESPONSE: It means both, but perpendicular is more critical than along the pipe. No changes have been made to the rule as a result of this comment.

COMMENT #32. 10 CSR 80-3.010(4)(I)2.E.(II) A department staff member requested that "200" be corrected to "two hundred (200)."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #33. 10 CSR 80-3.010(4)(J). Ms. Renee Trenshaw with SCS Engineering stated the following: Please expand on what minimum design requirements/demonstration requirements should be included.

RESPONSE: This will be determined by the applicant in consultation with the Department on a case-by-case basis. No changes have been made to the rule as a result of this comment.

COMMENT #34. 10 CSR 80-3.010(4)(K). Ms. Renee Trenshaw with SCS Engineering stated the following: Forever? How do you show this? Perpetual pumping fund? What about after closure and post-closure care timeframes? Impacts to FAI?

RESPONSE: As long as leachate is being generated, the owner/operator is obligated to manage it. Models such as HELP can be used to estimate leachate generation for the design. No changes have been made to the rule as a result of this comment.

COMMENT #35. 10 CSR 80-3.010(4)(K)4.A. Ms. Renee Trenshaw with SCS Engineering stated the following: How is sufficient capacity defined?

RESPONSE: This is a design consideration discussed with the department as part of the permitting process. Models such as HELP can be used to aid in the design of storage capacity.

No changes have been made to the rule as a result of this comment.

COMMENT #36. 10 CSR 80-3.010(4)(K)4.D. A department staff member requested that "a" be added between "during" and "twenty-four."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested addition.

COMMENT #37. 10 CSR 80-3.010(5)(B)1.B.(I) A department staff member requested that "(s)" be added to "meet."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested addition.

COMMENT #38. 10 CSR 80-3.010(5)(C)2. Ms. Renee Trenshaw with SCS Engineering stated the following: MDNR intention here? Why change in language?

RESPONSE AND EXPLANATION OF CHANGE: The term "excavated" was added to give flexibility for pre-qualification of borrow for the liner prior to construction. Additionally, Atterburg limits give a better indication of soil similarity than conductivity provides. No changes have been made to the rule as a result of this comment.

COMMENT #39. 10 CSR 80-3.010(5)(C)5.A. Ms. Renee Trenshaw with SCS Engineering stated the following: why bringing a new term in here? What is benefit of cap vs. final cover? What is cap?

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and will return the term to "final cover."

COMMENT #40. 10 CSR 80-3.010(5)(C)5.B. Ms. Renee Trenshaw with SCS Engineering stated the following: What about newer updates to Geosynthetic Institute GM 19 a and b? They release updates pretty routinely?

RESPONSE: The department is required to reference a specific date for any ASTM standard or other referenced document adopted by rule with a specific date. No changes have been made to the rule as a result of this comment.

COMMENT #41. 10 CSR 80-3.010(5)(C)5.B. Ms. Renee Trenshaw with SCS Engineering stated the following: Not sure I want to bring it up, but intention of specifying the type of seam?

RESPONSE: Seam type is determined by panel layout. The seam type and the testing will be determined in the Construction Quality Assurance plan. No changes have been made to the rule as a result of this comment.

COMMENT #42. 10 CSR 80-3.010(6)(B). Ms. Renee Trenshaw with SCS Engineering stated the following: No! What about sites with site specific coordinate systems!? So much data on other coordinate systems.... Understandable for new sites, but what about existing sites? What is expectation here? This will be burdensome and could cause more errors. Please consider that having a State Plane control point established on the site and the ability to transform should be sufficient.

RESPONSE: The department currently uses these coordinate systems as specified in the proposed rule. This is to ensure compatibility with current standards for department geographical information system (GIS) databases. A closure plat of the facility will be required to meet the standardized data. No changes have been made to the rule as a result of this comment.

COMMENT #43. 10 CSR 80-3.010(7)(B)1. A department staff member requested that "storm water" be changed to "stormwater."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #44. 10 CSR 80-3.010(8)(C). Mr. Paul Calamita with Aqualaw and Ms. Renee Trenshaw with SCS Engineering have concerns with stormwater that comes in contact with leachate being considered leachate and being required to be treated prior to discharge into water of the state. Aqualaw stated "All landfills have leachate seeps, outbreaks, broken pipes, etc., and these often occur on side slopes or otherwise upstream of the storm water outfall."

RESPONSE: The department believes the language contained in 10 CSR 80-3.010(8)(C) is consistent with the EPA definitions of what constitutes leachate. The discharge of leachate in stormwater into waters of the state is not permitted under the Missouri Clean Water Law. If a facility wishes to discharge water from a basin that may contain leachate, they may collect water samples and test for constituents specific to the landfill type (sanitary, demolition, or special waste). If samples are not contaminated, they may discharge the stormwater in accordance with their NPDES permit. No changes have been made to the rule as a result of this comment.

COMMENT #45. 10 CSR 80-3.010(8)(C)1. A department staff member requested that "storm water" be changed to "stormwater" in both instances in this paragraph.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested changes.

COMMENT #46. 10 CSR 80-3.010(8)(C)2. Ms. Renee Trenshaw with SCS Engineering stated the following: I understand this. Seems conflicting that they specify a design storm though...

RESPONSE: These are operational and design considerations based on industry standards for engineering and operations. No changes have been made to the rule as a result of this comment.

COMMENT #47. 10 CSR 80-3.010(8)(C)5. Ms. Renee Trenshaw with SCS Engineering stated the following: Evaporated leachate cannot be blown or drift off-site? Perhaps a clarification of "in liquid form" should be added.

RESPONSE: The department believes the current language is clear. Leachate as vapor or mist should not blow off site. No changes have been made to the rule as a result of this comment.

COMMENT #48. 10 CSR 80-3.010(9)(A)2. Ms. Renee Trenshaw with SCS Engineering stated the following: How will this be defined? Can we reference gas or groundwater monitoring sections? Need to have a limit or definition of when this would be applied.

RESPONSE: This paragraph restates the department's authority to protect human health and the environment. No changes have been made to the rule as a result of this comment.

COMMENT #49. 10 CSR 80-3.010(9)(A)5.A. A department staff member requested that the "and" at the end be removed and added to the end of (9)(A)5.B.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #50. 10 CSR 80-3.010(9)(A)5.B. Ms. Anastasia Welch with SCS Engineering stated the following: Can we define this better? Not impacted "as demonstrated by statistical analysis" ?

RESPONSE AND EXPLANATION OF CHANGE: To be consistent with other Solid Waste Management rules and revisions, this subparagraph, which contains the phrase "not affected by the landfill," has been removed.

COMMENT #51. 10 CSR 80-3.010(9)(B)2. Mr. Andy Limmer with Weaver Consultants wishes to add: "as required by the Detection Monitoring List in Appendix I or an alternate detection monitoring list developed by the facility that includes the anticipated parameters of concern for the specific facility and is approved by the department." to the end of the existing phrase which stated " Each groundwater monitoring program shall include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measures monitoring constituents in groundwater samples."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment has incorporated the requested change.

COMMENT #52. 10 CSR 80-3.010(9)(C)1. Mr. Chris O'Brien with Barker Lemar stated: "Previous rule required establishment of background for indicator parameters and Appendix I and not for the full Appendix II list. Request that establishment of background for Appendix II constituents outside of the Appendix I list be addressed as described in 10 CSR 80.010(10)F."

RESPONSE: The department believes that including the assessment monitoring constituents in the initial background sampling will allow for more information to be available if alternative source demonstrations are needed. Having background samples prior to the placement of waste will eliminate uncertainty in determining the source of a detected contaminant. No changes have been made to the rule as a result of this comment.

COMMENT #53. 10 CSR 80-3.010(9)(C)1. Ms. Renee Trenshaw with SCS Engineering stated the following: What about Special Waste Landfills? Any groundwater monitoring requirements for them?

RESPONSE: See section (22) on special waste landfills. No changes have been made to the rule as a result of this comment.

COMMENT #54. 10 CSR 80-3.010(9)(G)2.C. A department staff member requested that "and" be removed.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #55. 10 CSR 80-3.010(9)(G)2.D. A department staff member requested that the period be changed to a semicolon.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #56. 10 CSR 80-3.010(9)(G)2.E. A department staff member requested that the period be changed to a semicolon.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #57. 10 CSR 80-3.010(9)(G)2.F.(II) A department staff member requested that the period be changed to a semicolon.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #58. 10 CSR 80-3.010(9)(G)2.G.(III) A department staff member requested that the period be changed to a semicolon and a "and" added to the end.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.



COMMENT #59. 10 CSR 80-3.010(10). Mr. Andy Limmer with Weaver Consultants wishes to add: "and determined to be a result of a release of leachate or landfill gas from the facility," to make the statement read "Owners and operators of a sanitary, demolition, or special waste landfill that shows one (1) or more constituents listed in Appendix I, II, III, or IV of this rule being detected at levels above the groundwater protection standard as established, **and determined to be a result of a release of leachate or landfill gas from the facility,**" shall either proceed with corrective actions or submit a risk based corrective action plan as outlined in subsections (10)(A) through (C )."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment has incorporated the requested change.

COMMENT #60. 10 CSR 80-3.010(10). A department staff member requested that "Risk Based Corrective Action" be removed from the section title, the phrase "in consultation with the Department" be added, and "risk based" be deleted to make the statement read "Owners and operators of a sanitary, demolition, or special waste landfill that shows one (1) or more constituents listed in Appendix I, II, III, or IV of this rule being detected at levels above the groundwater protection standard as established, shall **in consultation with the department** either proceed with corrective actions or submit a corrective action plan as outlined in subsections (10)(A) through (C )."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has made the requested changes.

COMMENT #61. 10 CSR 80-3.010(10)(B)2.A. A department staff member requested that "the" be removed between "of" and "human."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #62. 10 CSR 80-3.010(10)(C)1.C. A department staff member requested that "are" be changed to "is."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #63. 10 CSR 80-3.010(11)(D). Ms. Renee Trenshaw with SCS Engineering stated the following: Do we have to prove that the spray application from evaporators or misters does not leave the site?

RESPONSE: Yes. That is part of the operation parameters that the applicant must address. No changes have been made to the rule as a result of this comment.

COMMENT #64. 10 CSR 80-3.010(11)(E). Ms. Renee Trenshaw with SCS Engineering stated the following: I assume this is burning not on waste and in unconstructed areas of the permitted landfill footprint?

RESPONSE: Yes. This applies to burning within the permitted boundary, not on the waste mass. No changes have been made to the rule as a result of this comment.

COMMENT #65. 10 CSR 80-3.010(11)(E). A department staff member commented that due to changes in the open burning regulations as part of the Red Tape Reduction Initiative, subsection (E) should be rewritten as follows, "Burning at the landfill shall be conducted in accordance with Chapter 643, RSMo, the corresponding rules, the terms and conditions, or both, of the plans, permits, or both, and all local requirements. Burning within the permitted boundary of a sanitary or demolition landfill shall be limited to tree trunks, tree limbs, and vegetation resulting from land clearing related to landfill operation/development. Burning of all other solid waste is prohibited on the landfill property."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #66. 10 CSR 80-3.010(12)(A) A department staff member requested that "Subsection" be changed to lowercase subsection.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #67. 10 CSR 80-3.010(12)(B). Ms. Renee Trenshaw with SCS Engineering stated the following: Can we tighten up the language "if the department determines there is evidence"? Maybe through sample collection, detection of methane migration in building LEL monitors or gas probe activities?

RESPONSE: The department intends to leave this statement general in order to encompass all the situations (such as a well house explosion) to protect human health and the environment. No changes have been made to the rule as a result of this comment. Because this is a human health and safety issue, the department must maintain discretion to determine when corrective action must be taken to protect human health. No changes have been made to the rule as a result of this comment.

COMMENT #68. 10 CSR 80-3.010(12)(C). Ms. Renee Trenshaw with SCS Engineering stated the following: Can likely zones of migration be defined? Can we address hydraulic cutoffs? unsaturated zones, excessive buffer zones?

RESPONSE: No, this is site specific. See Landfill Gas Corrective Actions in section (14). No changes have been made to the rule as a result of this comment.

COMMENT #69. 10 CSR 80-3.010(12)(C)1.A.(I)(b). A department staff member requested that "(2)" be added between "two" and "adjacent."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #70. 10 CSR 80-3.010(12)(C)1.A.(I)(c). Ms. Renee Trenshaw with SCS Engineering stated the following: Timeframe for implementation of this if subject to this rule and need to add more wells?

RESPONSE: This is a geologic consideration as part of the DSI and the development of a gas monitoring plan. No changes have been made to the rule as a result of this comment.

COMMENT #71. 10 CSR 80-3.010(12)(C)1.A.(I)(c)II. A department staff member requested that "space(s)" be changed to "spaces."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has incorporated the requested change.

COMMENT #72. 10 CSR 80-3.010(13). Ms. Renee Trenshaw with SCS Engineering stated the following: This will be burdensome to facilities and difficult to effectively implement. No time frame given for when active system must be installed in a newly constructed area. Active gas extraction from areas with only daily or intermediate cover will significantly increase the risk of landfill fires. How to determine evidence of existing or potential harm? Could be interpreted too broadly.

RESPONSE: This initial language of this section describes the general applicability of landfill gas control measures. More site-specific gas control and collection system design and operation parameters follow, and corrective action time tables are located in section (14). The criteria is the same and is located in this section. Because each site is unique, general language allows flexibility for the department and responsible parties to provide protection to human health and the environment. No changes have been made to the rule as a result of this comment.

COMMENT #73. 10 CSR 80-3.010(13)(A). Ms. Renee Trenshaw with SCS Engineering stated the following: How to determine "warrant

control." Time frame for implementation of system? Or just a plan in case it is needed?

RESPONSE: Areas that warrant control are those that trigger 40 CFR Part 60 standard of Performance for New Stationary Sources (NSPS) compliance. This is site-specific, and the plan is submitted and approved prior to that time. No changes have been made to the rule as a result of this comment.

COMMENT #74. 10 CSR 80-3.010(12)(B). Mr. Paul Calamita with Aqualaw stated: We renew our comment that in both subsections the threshold for DNR requirements for action at earlier-closed landfills is proposed as "evidence of an existing or potential safety concern . . ." (emphasis added). The trigger for these older landfills should instead be stated as a DNR finding of the noted problem. Although we would not see that threshold to be particularly high for DNR, the simple observation of "evidence" of a problem is not an adequate threshold for action as to older, closed facilities. We ask that the words "evidence of" be deleted in both (12)(B) and (13). In the alternative, the regulations could refer to "sufficient evidence" as we earlier suggested.

RESPONSE: Because this is a human health and safety issue, the department must maintain discretion to determine when corrective action must be taken to protect human health. No changes have been made to the rule as a result of this comment.

COMMENT #75. 10 CSR 80-3.010 (12)(B). Mr. Paul Calamita with Aqualaw stated: Also in (13)(C)(2) we renew our objection to the specification of 50% of the Lower Explosive Limit as a trigger for methane concentration in soils. 100% of the LEL is an appropriate and adequate trigger, consistent with the manner in which the federal MSW regulations address the issue, 40 CFR § 258.23(a).

RESPONSE: Based on experience with migration and municipal sanitary waste landfills this requirement will remain. No changes have been made to the rule as a result of this comment.

COMMENT #76. 10 CSR 80-3.010(13)(A)2.G. Ms. Renee Trenshaw with SCS Engineering stated the following: What time frames are expected for the description of when the gas control and collection system is to be installed in each phase or cell of the landfill?

RESPONSE: This is dependent on site-specific conditions and when NSPS is triggered or some type of violation occurs (i.e. off-site odors above air regulations, gas migration occurs, etc.). No changes have been made to the rule as a result of this comment.

COMMENT #77. 10 CSR 80-3.010(13)(A)5. Ms. Renee Trenshaw with SCS Engineering stated the following: Can you provide some background on this?

RESPONSE: This provision is intended to provide the regulated entity with flexibility in controlling and collecting landfill gas and allows for proposing alternative technologies. No changes have been made to the rule as a result of this comment.

COMMENT #78. 10 CSR 80-3.010(13)(B). Ms. Renee Trenshaw with SCS Engineering stated the following: Did not see a mechanism for abandoning or decommissioning a gas well.

RESPONSE: Given the wide range of circumstances that would necessitate removing the well from the extraction system, the department did not prescribe a specific mechanism (i. e. lightning strike). No changes have been made to the rule as a result of this comment.

COMMENT #79. 10 CSR 80-3.010(13)(B)6. Ms. Renee Trenshaw with SCS Engineering stated the following: What is efficient operation entail? What are trying to accomplish here?

RESPONSE: This is intended for operators to focus on optimal performance and maintain consistent compliance with NSPS and avoid methane migration. Efficient collection of landfill gas prevents migration. No changes have been made to the rule as a result of this

comment.

COMMENT #80. 10 CSR 80-3.010(13)(C)1. Ms. Renee Trenshaw with SCS Engineering stated the following: Does this "Permitted Boundary" reference the limits of waste or is this include the land surrounding the landfill that is included in the Easement provided to MDNR? Please define "enclosed structures"

RESPONSE: The permitted boundary includes the waste, borrow, infrastructure, and buffer, etc. that was delineated in the approved permit. At a minimum, the easement covers the permitted boundary, ingress, and egress. Enclosed structures can be considered as any space that can collect and contain gas whereby the lower explosive limit can be reached. No changes have been made to the rule as a result of this comment.

COMMENT #81. 10 CSR 80-3.010(13)(C)2. Ms. Renee Trenshaw with SCS Engineering stated the following: Is this the permitted facility boundary or the landfill boundary?

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and has changed property boundary to permitted boundary.

COMMENT #82. 10 CSR 80-3.010(14)(A)1.C. Mr. Paul Calamita with Aqualaw request that Notification for Owners and occupants of properties within one thousand feet (1000') of any compliance monitoring well exhibiting concentrations above the limit(s) provided in (13)(C) of this rule be changed from one thousand feet (1000') to five hundred (500').

RESPONSE: From a safety standpoint, one thousand feet (1000') is prudent based on prior department experience with landfill gas migration. No changes have been made to the rule as a result of this comment.

COMMENT #83. 10 CSR 80-3.010(14)(A)2. Ms. Anastasia Welch with SCS Engineering stated the following: Define structure.

RESPONSE AND EXPLANATION OF CHANGE: In this context, structure is any enclosed space that can collect and contain gas so that the lower explosive level can be reached. The department will add the term "enclosed" prior to structure.

COMMENT #84. 10 CSR 80-3.010(14)(A)2.B. Ms. Renee Trenshaw with SCS Engineering stated the following: If a condensate vault has methane gas but it is freezing outside is the LF supposed to open the vault to let the methane out and let the pipe freeze so that the leachate system shuts down or should we leave the gas in the vault and not freeze the line and deal with the vault as a confined space.

RESPONSE: A vault should be managed as a confined space with ventilation and monitoring performed prior to entry. Confined spaces should be handled as set out in the site safety plan. No changes have been made to the rule as a result of this comment.

COMMENT #85. 10 CSR 80-3.010(14)(A)5. Ms. Renee Trenshaw with SCS Engineering stated the following: Engineers may be awesome, but they're not this awesome. The prior draft said 60 days (okay doable). 45 days to create a plan to investigate the reason for the migration (tight but probably doable), describe the nature and extent of the migration (this would require a field investigation plan be prepared, hire a contractor, schedule a contractor, complete field testing, receive any lab reports, and generate a conclusion to determine the nature and extent of the migration.) and the Engineer is supposed to propose a remedy to correct the migration (The Engineer does not know the source, the extent or if it is even a LFG issue, how are we supposed to blindly create a solution within 45 days.) The State needs to extend this time, reduce their expectations or allow automatic time line extensions to be filed. Difficult for some municipalities depending on their contract things.

RESPONSE: Because of the imminent threat to human health, prompt action is necessary. A response within 45 days is warranted,

unless there are extenuating circumstances. The response may identify additional necessary investigations. No changes have been made to the rule as a result of this comment.

**COMMENT #86.** 10 CSR 80-3.010(14)(A)6.A. Ms. Renee Trenshaw with SCS Engineering stated the following: Call to Department or Spill hotline?

**RESPONSE:** Notification can be made by calling the department's Solid Waste Management Program during business hours and the spill line (573-634-2436) after hours and on weekends. No changes have been made to the rule as a result of this comment.

**COMMENT #87.** 10 CSR 80-3.010(14)(A)6.B. Ms. Anastasia Welch with SCS Engineering stated the following: Many times you do not plan to take a system out of service for over 24 hours, but a small repair may turn into a bigger issue. Suggest: "where possible" Also, for a non-NSPS site, a 24-hour time frame is very onerous, 48 hours would be better

**RESPONSE:** The intent of this requirement is to allow notification to the department of a site with known ongoing gas migration problems that the owner/operator is having difficulty maintaining the gas collection system in an operational state (i.e., a situation where gas migration may expand suddenly). No changes have been made to the rule as a result of this comment.

**COMMENT #88.** 10 CSR 80-3.010(14)(A)7. Ms. Renee Trenshaw with SCS Engineering stated the following: SWMP should be required to provide technical reasons for why they find that the plan does not provide sufficient data to support corrective actions or include an allowance for an extension.

**RESPONSE:** The department will provide comments in the disapproval letter. No changes have been made to the rule as a result of this comment.

**COMMENT #89.** 10 CSR 80-3.010(14)(A)8. A department staff member requested that "and" between "hundred" and "twenty" be removed.

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and has incorporated the requested change.

**COMMENT #90.** 10 CSR 80-3.010(14)(A)9. Ms. Renee Trenshaw with SCS Engineering stated the following: This should be automatic, why should the landfill have to file additional paper work?

**RESPONSE:** This is part of the corrective actions in an enforcement case and needs to have department approval. Electronic correspondence is satisfactory for the request. No changes have been made to the rule as a result of this comment.

**COMMENT #91.** 10 CSR 80-3.010(14)(A)9. A department staff member requested that "(1)" be added between "one" and "year."

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and has incorporated the requested addition.

**COMMENT #92.** 10 CSR 80-3.010(16)(A) A department staff member requested that opening parenthesis be added on (A)

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and has incorporated the requested change.

**COMMENT #93.** 10 CSR 80-3.010(16)(A). Mr. Paul Calamita with Aqualaw request that subsection (A) be revised as follows: The sanitary, demolition or special waste landfill owner/operator shall operate the landfill in a manner specified by the permit to employ reasonable setbacks, screening or other design or operating features to avoid to the extent practicable adverse visual or other impacts to occupied properties offsite."

**RESPONSE:** The department believes the proposed language is substantially equivalent to the existing proposed rule text. No changes

have been made to the rule as a result of this comment.

**COMMENT #94.** 10 CSR 80-3.010(16)(C). Ms. Renee Trenshaw with SCS Engineering stated the following: Is this like a row of trees?

**RESPONSE:** A natural windbreak could consist of vegetation such as trees, and shrubs. No changes have been made to the rule as a result of this comment.

**COMMENT #95.** 10 CSR 80-3.010(17)(A). Ms. Renee Trenshaw with SCS Engineering stated the following: Too vague and subject to personal opinion.

**RESPONSE:** The intention of this is for final cover, including vegetation. No changes have been made to the rule as a result of this comment.

**COMMENT #96.** 10 CSR 80-3.010(17)(B)1.C. Ms. Renee Trenshaw with SCS Engineering stated the following: Of waste or any slope? Can soil slope exceed 33 1/3%?

**RESPONSE:** No covered slopes can exceed 33 1/3%. No changes have been made to the rule as a result of this comment.

**COMMENT #97.** 10 CSR 80-3.010(17)(B)2.A. Ms. Anastasia Welch with SCS Engineering stated the following: Fertilizer rate will vary with soil used and the time frame which it has been exposed.

**RESPONSE:** Fertilizing should be detailed in the closure plan and can be based on soil fertility testing. No changes have been made to the rule as a result of this comment.

**COMMENT #98.** 10 CSR 80-3.010(17)(B)2.A. A department staff member requested that "include" be changed to "including."

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and has incorporated the requested change.

**COMMENT #99.** 10 CSR 80-3.010(17)(B)3.B. Ms. Renee Trenshaw with SCS Engineering stated the following: Specific design criteria for drainage layer performance?

**RESPONSE:** Specific design criteria is to be determined by the applicant. No changes have been made to the rule as a result of this comment.

**COMMENT #100.** 10 CSR 80-3.010(17)(C)1. A department staff member requested that "methodologies" be changed to "method."

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and has incorporated the requested change.

**COMMENT #101.** 10 CSR 80-3.010(17)(C)3.A. A department staff member requested that "storm water" be changed to "stormwater."

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and has incorporated the requested change.

**COMMENT #102.** 10 CSR 80-3.010(17)(C). Ms. Renee Trenshaw with SCS Engineering stated the following: What is compacted cover? Any requirements on this?

**RESPONSE:** This is normally considered to be a site available soil. Other forms of intermediate cover could be considered.

**COMMENT #103.** 10 CSR 80-3.010(17)(C)9. Ms. Renee Trenshaw with SCS Engineering stated the following: It seems that additional information regarding "equivalent" should be provided in the regulation with regard to alternative final cover systems. As an example consider longevity, the assumption that prescriptive covers will last forever after post-closure is not accurate and difficult to quantify. How does one demonstrate equivalence in that regard?

**RESPONSE:** The equivalency demonstration is left to the applicant and consulting engineer in consultation with and approval by the department. No changes have been made to the rule as a result of this comment.

COMMENT #104. 10 CSR 80-3.010(19)(J). Ms. Renee Trenshaw with SCS Engineering stated the following: Extinguished? Is this the right word? what if you cannot extinguished it? Is there a better way to say this? What if you try to extinguish it but it continues to smother. Potential regulatory violation.

RESPONSE: The goal is to extinguish immediately. No changes have been made to the rule as a result of this comment.

COMMENT #105. 10 CSR 80-3.010(20)(A)2. Ms. Renee Trenshaw with SCS Engineering stated the following: Can these be kept electronically? Do they have to keep ALL files now? For how long? Does not explain what is required to keep for 5 years and what is required to be kept indefinitely. Need a time frame on when we can get rid of things.

RESPONSE: (20)(A)2. States that upon department approval, current records may be stored electronically. At a minimum records listed under (20)(A)3. are required to be kept for the life of the landfill. No changes have been made to the rule as a result of this comment.

COMMENT #106. 10 CSR 80-3.010(20)(A)3.F. Ms. Renee Trenshaw with SCS Engineering stated the following: So the topographic maps need to be done in odd years?

RESPONSE: Yes, topographic maps need to be completed in odd years. No changes have been made to the rule as a result of this comment.

COMMENT #107. 10 CSR 80-3.010(22). Mr. Paul Calamita with Aqualaw stated: One of our principal points, that being that closure and post-closure requirements, rather than being in Chapter 3, section 3.010, are in Chapter 2. Because certain special wastes may be sufficiently inert or have other unique characteristics sufficient to justify closure/post-closure differences from municipal waste landfill permitting, we suggested specific cross reference language to authorize provisions different from those in 2.020.

Because of the unique characteristics of many special waste landfills, we request that DNR either (1) use the alternate wording provided below, or (2) otherwise confirm that the special waste landfill permitting may address differences in closure and post-closure. We also ask that DNR include the minor clarification to section (22)(B) noted below.

(A) Should an owner/operator request to permit a special waste landfill, the owner/operator shall include a list identifying what sections of this rule and as appropriate rule 2.020 are and are not applicable . . .

(B) The department may require any special waste landfill owner/operator to design, construct, operate, and maintain the landfill in accordance with any sanitary landfill requirement necessary to ensure the protection of human health and the environment.

RESPONSE: Special waste landfills will be handled on a case-by-case basis that is dependent upon the types of waste placed, the facility design, and the facility operation.

## 10 CSR 80-3.010 Design and Operation

*PURPOSE: This rule pertains to the design and operation of solid waste disposal areas, specifically sanitary, demolition, and special waste landfills. This rule addresses the siting, groundwater monitoring, gas monitoring, liner, and cover design, seismic design, and the design and operation of leachate collection systems and methane recovery systems. This rule incorporates American Society for Testing and Materials International standards, and the Environmental Protection Agency standards by reference and sets forth additional state standards.*

### (1) General Provisions.

(A) This rule is intended to provide for sanitary, demolition, and special waste landfill operations that will have minimal impact on the environment. The rule sets forth requirements and the method of satisfactory compliance to ensure that the design, construction, and

operation of these landfills will protect human health and meet applicable environmental standards. If techniques other than those listed are used, it is the obligation of the landfill owner/operator to demonstrate to the department in advance that the techniques to be employed will satisfy the requirements. Procedures for the techniques shall be submitted to the department in writing and approved by the department in writing prior to being employed. Notwithstanding any other provision of these rules, when it is found necessary, the department may require by permit amendment changes in design and/or operation to protect human health and the environment. The department may require changes in design, operation, or maintenance of any operating or closed landfill to meet the objectives of the subsections of this chapter.

(B) This rule applies to new sanitary, demolition, and special waste landfill construction and operating permits issued on or after the effective date of this rule and those facilities in operation on the effective date of this rule. Prior to January 1, 2020, all operating sanitary, demolition, and special waste landfills shall demonstrate compliance with 10 CSR 80-3.010. Construction and operation of landfills shall be conducted in accordance with the engineering plans and specifications approved by the department. Approved permit documents shall be available on site per section (20). Notwithstanding any other provision of these rules, when it is found necessary, the department may require by permit amendment changes in design and/or operation to protect human health and the environment.

(C) The standards set forth in ASTM, ASTM method D422-63(2007), 2007, ASTM Test D2487-11, and ASTM D6391-11 Standard Test Method, 2011, ASTM D-5084-16, 2016, ASTM D1140-17 and ASTM method D4318-17, 2017, as published by ASTM International, West Conshohocken, PA 19428, are incorporated by reference. The standards set forth in the Methods Innovation Rule, 2005, and Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, 2009 as published by the EPA, Washington, D. C. 20004 are incorporated by reference. The standards set forth in the Engineer Manual 1110-2-1906, as published by the Department of the Army Office of the Chief Engineers, Washington, D. C. 20314 are incorporated by reference. This rule does not incorporate any subsequent amendments or additions.

### (2) Solid Wastes Accepted and Excluded.

(A) Acceptable Wastes. To determine whether a waste may be accepted for disposal, the landfill owner/operator shall consider the landfill design, material, and chemical properties of the landfill liner and environmental control systems, the quantity of the waste, the physical and chemical characteristics of the waste, the equipment and operational procedures to be utilized, the safety of the landfill employees and the general public using the landfill, and the protection of human health and the environment.

1. The landfill's design and operating plans submitted to the department for approval shall specify the following:

A. The types of waste to be accepted for disposal;  
B. The handling and disposal procedures for each type of waste; and

C. The procedures to be used to review and approve special waste disposal requests at a sanitary landfill, determine when laboratory testing of special waste will be required, determine whether special handling of the waste may be required, and inspect the waste upon arrival at the landfill for disposal.

2. Disposal of special wastes which have been approved in a sanitary landfill's construction permit shall be conducted in accordance with the approved design and operating plans along with any additional procedures determined by the department to be necessary to protect human health and the environment.

3. For each special waste accepted for disposal—

A. The landfill owner/operator shall require the waste generator to complete a special waste disposal request form provided by the department;

B. The landfill owner/operator shall require the waste generator to provide all information necessary to describe the source and physical and chemical characteristics of the special waste, including laboratory test results on representative samples, prior to accepting the material for disposal. The information shall be attached to the request form;

C. The form shall be signed by the waste generator and the owner/operator of the landfill prior to acceptance and disposal of the waste; and

D. The completed request form and supporting information shall be retained on site in the landfill's operating record in accordance with section (20).

4. The owner/operator shall inspect each load of special waste upon its arrival at the landfill for disposal. The inspection shall be in a manner necessary to ensure that unacceptable and unapproved wastes do not enter the landfill.

5. To the extent practical, special waste shall be managed in a manner that minimizes the disruption of normal landfill operations.

6. The owner/operator shall ensure that each special waste is segregated from other waste with which it could be chemically incompatible.

7. If the landfill owner/operator anticipates accepting more than one (1) load of a specific type of special waste from the same source in a relatively short period of time, or the waste will be accepted from the same source on a routine, ongoing basis, only one (1) special waste disposal request form is required. However, if laboratory testing of the waste was initially required, the owner/operator must obtain yearly confirmation through testing or other documentation that the contaminant levels of concern have not increased or new contaminants of concern have not emerged. Should test results change a new special waste disposal request form shall be completed and kept on file.

8. Any special waste that requires handling procedures significantly different from typical municipal solid waste shall be handled in accordance with the landfill operating manual and any special procedures established by the landfill operator during the special waste approval process. The department reserves the right to require revisions to the landfill operating manual and landfill operations for special waste that may adversely affect the health and safety of landfill personnel or may be extremely difficult to handle.

9. Waste generated from the clean-up of a former manufactured gas plant (FMGP) site is considered to be a special waste. Prior to accepting FMGP waste for disposal, the landfill owner/operator shall have representative samples of the waste tested using the SW-846 test method 1311 toxicity characteristic leaching procedure (TCLP), Waste Management System: Testing and Monitoring Activities: Final Rule: Methods Innovation Rule (MIR) 2005. The waste shall not be accepted for disposal unless the concentrations of the following contaminants are below the regulatory levels listed in 40 CFR 261.24(b), Table 1:

- A. All metals listed in Table 1, with the exception of barium;
- B. Cresol, o-cresol, m-cresol, and p-cresol; and
- C. Benzene.

10. Bulky waste and other waste that is accepted at the landfill and has the potential to puncture the membrane liner shall be excluded from the first layer of waste placed above a composite liner.

11. Large quantities of containerized liquids shall be solidified prior to disposal at a sanitary landfill. Bulk containerized or non-containerized liquid waste is banned from being placed in a sanitary landfill unless—

- A. The waste is household waste other than septic waste; or
- B. The waste is leachate or gas condensate generated within the permitted boundary and is placed in the on-site sanitary landfill designed with a composite liner and leachate collection system as described in this rule, and the facility has departmental approval to recirculate leachate or gas condensate.

12. Radioactive material used in or resulting from medical processes or liquid radioactive material may be accepted if the mate-

rial has a half-life of less than thirty (30) days.

13. Naturally Occurring Radioactive Material (NORM) may be accepted with prior written approval from the department.

14. Accelerator-produced radioisotopes with a half-life of less than thirty (30) days may be accepted.

15. Smoke detectors, electron tubes, luminous wristwatches and clocks, luminous lock illuminators, luminous automobile shift quadrants, luminous marine compasses, and luminous thermostat dials and pointers in quantities less than ten (10) items from any single source may be accepted.

16. For a demolition landfill, the owner/operator shall prominently display a sign at the entrance of the landfill that lists the wastes that are approved for acceptance, in accordance with this rule and the landfill's approved operations plan.

(B) Excluded Wastes.

1. Any wastes not specifically listed in a proposed permit or a modification to an existing permit and approved by the department are excluded from disposal. The owner/operator shall describe in the operating plan of the sanitary, demolition, or special waste landfills the procedures for screening and removing excluded wastes, including, but not limited to:

A. At a minimum, random inspections of incoming waste loads unless the owner/operator takes other steps to ensure that incoming solid wastes do not contain wastes excluded from disposal at the landfill;

B. Records of any load inspections; and

C. Procedures that will be implemented to train appropriate landfill personnel in the identification and proper handling of radioactive materials, regulated hazardous waste, infectious waste, asbestos containing material, and other waste prohibited from disposal.

2. The owner/operator shall screen and inspect loads of incoming waste per the approved operations plan and notify the department immediately upon receiving any of the following types of excluded waste at the landfill:

A. Regulated hazardous waste;

B. Radioactive materials;

C. Regulated quantities of polychlorinated-biphenyls (PCB);

D. Explosives;

E. Highly flammable or volatile substances;

F. Any regulated asbestos containing material (RACM) that has been improperly transported to the site, such as RACM delivered to the landfill in improper packaging or containers, without proper shipment records, or RACM that has otherwise been transported in violation of the 40 CFR 61, Subpart M, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Asbestos (2004); or

G. Infectious waste.

3. For a sanitary landfill, the owner/operator shall prominently display a sign at the site entrance stating the following about excluded wastes: "Regulated hazardous waste, radioactive materials, polychlorinated biphenyls (PCBs), bulk liquids, highly flammable or volatile substances, septic tank pumpings, major appliances, waste oil, lead-acid batteries, whole scrap tires, yard waste, explosives, and regulated infectious waste are excluded from disposal."

(3) Site Selection.

(A) Prior to submitting an application for a construction permit for a new sanitary, demolition, or special waste landfill or a horizontal expansion of an existing landfill, the owner shall perform an evaluation of the proposed site and surrounding area, and a study of the geologic and hydrologic conditions at that site location. Applications for a landfill construction permit received on or after the effective date of this rule shall document compliance with all applicable siting restriction requirements contained in paragraphs (3)(B)1. through 7. of this rule for sanitary landfills and (3)(B)2. through 7. of this rule for demolition and special waste landfills.

(B) Location Restrictions.

1. Airport safety.

A. Owners/operators of sanitary landfills that are located within ten thousand feet (10,000') of any airport runway end used by turbojet aircraft or within five thousand feet (5,000') of any airport runway end used by only piston-type aircraft shall demonstrate to the department that the sanitary landfills are designed and operated so that the landfill does not create or pose a bird hazard to aircraft.

B. Owners/operators proposing to site new sanitary landfills and horizontal expansions of existing sanitary landfills within a five-(5-) mile radius of any airport runway end used by turbojet aircraft or piston-type aircraft shall notify the affected airport and the Federal Aviation Administration (FAA).

## 2. Wetlands.

A. Landfills shall not be located in wetlands, unless the owner/operator makes the following demonstrations to the department:

(I) The presumption that a practicable alternative to the proposed landfill is available which does not involve wetlands is clearly rebutted;

(II) The construction and operation of the landfill will not:

(a) Cause or contribute to violations of any applicable state water quality standard;

(b) Violate any applicable toxic effluent standard or prohibition under section 307 of the federal Clean Water Act;

(c) Jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Endangered Species Act of 1973; and

(d) Violate any requirement under the Marine Protection, Research, and Sanctuaries Act of 1972 for the protection of a marine sanctuary;

(III) The landfill will not cause or contribute to significant degradation of wetlands. The owner/operator shall demonstrate the integrity of the landfill and its ability to protect ecological resources by addressing the following factors:

(a) Erosion, stability, and migration potential of native wetland soils, muds and deposits used to support the landfill;

(b) Erosion, stability, and migration potential of dredged and fill materials used to support the landfill;

(c) The volume and chemical nature of the waste disposed of in the landfill;

(d) Impacts on fish, wildlife, and other aquatic resources and their habitat from potential release of solid waste from the landfill;

(e) The potential effects of contamination of the wetland and the resulting impacts on the environment; and

(f) Any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected;

(IV) Steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent practicable as required by subparagraph (3)(B)2.A. of this rule, then minimizing unavoidable impacts to the maximum extent practicable, and finally offsetting remaining unavoidable wetland impacts through all appropriate and practicable compensatory mitigation actions (for example, restoration of existing degraded wetlands or creation of man-made wetlands); and

(V) The requirements of paragraph (3)(B)2. may be satisfied by the owner/operator obtaining a United States Army Corps of Engineers permit for construction in a wetland or by demonstrating that the wetland is not regulated by the United States Army Corps of Engineers, or other appropriate agency.

3. Floodplains. Owners/operators of landfills located within the one hundred- (100-) year floodplains shall demonstrate to the department that the landfill will not restrict the flow of the one hundred- (100-) year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health or the environment.

## 4. Fault Areas. Landfills located in the seismic impact zone

shall not be located within two hundred feet (200') of a fault that has had displacement in Holocene time unless that owner/operator demonstrates to the department that an alternative setback distance of less than two hundred feet (200') will prevent damage to the structural integrity of the landfill and will be protective of human health and the environment.

5. Seismic Impact Zones. Landfills shall not be located in seismic impact zones, unless the owner/operator demonstrates to the department that all containment structures, including liners, final covers, leachate collection systems, and surface water control systems, are designed to resist permanent cumulative earthquake displacements not to be greater than six inches (6"), resulting from the maximum credible Holocene time earthquake event's acceleration versus time history.

6. Unstable Areas. Landfills located in an unstable area shall demonstrate to the department that the landfill's design ensures that the integrity of the structural components of the landfill will not be disrupted. The owner/operator shall consider the following factors, at a minimum, when determining whether an area is unstable:

A. On-site or local rock or soil conditions that may result in failure or significant differential settling;

B. On-site or local geologic or geomorphologic features; and

C. On-site or local human-made features or events (both surface and subsurface).

7. Placement Above the Uppermost Aquifer. Landfills permitted after the effective date of this rule, including horizontal expansions, must be constructed with a base (i.e., the subgrade prior to placing the compacted clay liner) that is located above the upper limit of the uppermost aquifer, or must demonstrate that there will not be an intermittent, recurring, or sustained hydraulic connection between any portion of the base of the landfill and the uppermost aquifer due to normal fluctuations in groundwater elevations (including the seasonal high water table).

(4) Design and Operations per the Permit Application. Plans, addendums, as-built drawings, or other documents which describe the design, construction, operation, or closure of a sanitary, demolition, or special waste landfill, or which request an operating permit modification for the landfill shall be prepared, sealed, and signed by a professional engineer and submitted to the department for review and approval. Procedures for testing, site evaluation and preparation, and construction of the landfill shall be included with the application and performed as described in the plans approved by the department. Plans, addendums, as-built drawings, or other documents which describe the design, construction, operation, or closure of a landfill, or which request an operating permit modification for the landfill shall be kept available for use and reference on-site.

(A) Plans accompanying the permit application for a sanitary, demolition, or special waste landfill that are submitted to the department shall include:

1. A map showing initial and proposed topographies at contour intervals of five feet (5') or less utilizing a scale of not less than one inch (1") equal to one hundred feet (100'). If the entire site cannot be illustrated on one (1) plan sheet, an additional map with appropriate horizontal and vertical scales that allows the site to be shown on one (1) standard plan sheet is required;

2. A map having a scale of not less than one inch (1") equals four hundred feet (400') identifying the land use and zoning within one-fourth (1/4) mile of the landfill including location of all known residences, buildings, wells, water courses, springs, lakes, rock outcroppings, caves, sinkholes, and soil or rock borings. All known electric, gas, water, sewer, and other utility easements or lines that are located on, under or over the landfill shall be shown on the map;

3. A description of the projected use of the closed landfill. In addition to maintenance programs and provisions, where necessary for monitoring and controlling decomposition gases and leachate, address the following ultimate use criteria:

A. Structures. Enclosed structures are not allowed on the

waste footprint of a landfill. If major structures are to be built outside of waste within the permitted area of any landfill, the structure must be approved by the department. A professional engineer shall approve the design and construction of the structure, including provisions for protection against potential hazards of solid waste decomposition gases; and

B. Other uses. Appropriate design, construction and operating provisions for the landfill shall be specified;

4. An evaluation of the characteristics and quantity of available soil on or off site with respect to its suitability for landfill construction and operation. The engineering properties and quantity estimates of the soil on site shall be discussed and include:

A. Texture. Sieve and hydrometer analyses shall be performed to determine grain size distribution of representative soil samples. Texture may be determined by using the procedures described in ASTM method D422-63(2007) ASTM International 100 Barr Harbor, West Conshohocken, PA 19428, Publication date 2007 or the procedures described in Appendix D of Engineer Manual 1110-2-1906, prepared by the United States Army Corps of Engineers;

B. Plasticity. The liquid limit, plastic limit and plasticity index of representative soil samples shall be determined. Plasticity may be determined by using the procedures described in ASTM method D4318-17 ASTM International, 100 Barr Harbor, West Conshohocken, PA 19428 Publication date 2017 or the procedures described in Appendix III of Engineer Manual 1110-2-1906, prepared by the United States Army Corps of Engineers;

C. Hydraulic conductivity. Perform laboratory hydraulic conductivity tests upon undisturbed representative soil samples using a flexible wall permeameter (ASTM D-5084-16) ASTM International, 100 Barr Harbor, West Conshohocken, PA 19428 Publication date 2016. If an aquifer is found to be laterally continuous across the anticipated limit of the proposed landfill, the hydraulic conductivity of each significant continuous geologic unit must be determined. Examples of accepted field tests are slug or pump tests which isolate the geologic unit of interest; and

D. Areal extent and depth. Determine the areal extent and depth of soil suitable for landfill construction, clearly describing any variations in soil depth.

5. Provisions for a minimum one hundred foot (100')-buffer zone between the outer edge of the landfill liner and any property line(s) or any right-of-way(s) of adjoining road(s) when the property line(s) is inside the right-of-way(s) to provide room for assessment and/or corrective actions;

6. An operating manual describing the various tasks performed during a typical shift, including routine and regular tasks (i.e., monitoring and inspections) performed throughout the life of the landfill;

7. A demonstration of how adverse geologic and hydrologic conditions may be altered or compensated for via surface water drainage diversion, underdrains, sumps, and other structural components, and detail all necessary site alterations in the plans;

8. Site-specific precipitation, evapotranspiration and climatological conditions; and

9. All computer models used in the landfill design, and list the limitations and assumptions of each model.

(B) Stability analyses shall be performed for all stages of landfill construction, all liner and leachate system components, and on all final cover system components, as well as an evaluation of the effect of waste settlement on the final cover system components, side slope liner system components, and surface water management system components. Results shall be submitted from all analyses and evaluations.

(C) Settlement and bearing capacity analysis shall be performed on the in-place foundation material beneath the disposal area, and the results submitted in the design plan.

(D) Analyze the effect of foundation material settlement on the liner and leachate collection system, and include the analytical results in the plan.

(E) Analyze leachate collection pipe material and drainage media

to demonstrate that these components possess structural strength to support maximum loads imposed by overlying waste materials and equipment, and include the results in the plan.

(F) Sump and side slope riser designs must consist of at least SDR 17 piping and be not less than eighteen inches (18") in diameter.

(G) Submit typical phase development drawings with the plan.

(H) Submit proposed cross-section drawings with the application that show groundwater elevations in relation to liner and final landfill height.

(I) Liner System Requirement. All landfills applying for a construction permit after the effective date of this rule shall have a composite liner as follows:

1. A composite liner must consist of two (2) components; the upper component consisting of, at a minimum, a thirty (30) mil geomembrane liner (GM), and the lower component consisting of at least a two foot (2') layer of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  centimeters per second (cm/sec). GM components consisting of high density polyethylene (HDPE) must be at least sixty (60) mil thick. The GM or upper liner component must be installed in direct and uniform contact with the compacted soil or lower liner component. The compacted soil liner component at a minimum shall be—

A. Constructed of six to eight inch (6–8") loose lifts of unfrozen soil;

B. Compacted to ranges of density and moisture such that are shown to provide for the liner to have a hydraulic conductivity no more than  $1 \times 10^{-7}$  cm/sec.;

C. Protected from the adverse effects of desiccation or freeze/thaw cycles after construction, but prior to placement of waste;

D. Composed of soils that meet following minimum specifications:

(I) Be classified under the Unified Soil Classification Systems as CL, CH, or SC (ASTM Test D2487-11) ASTM International, 100 Barr Harbor, West Conshohocken, PA 19428 Publication date 2011;

(II) Allow more than thirty percent (30%) passing a number two hundred (200) sieve;

(III) Have a liquid limit equal to or greater than twenty (20) (ASTM Test D4318-17) ASTM International, 100 Barr Harbor West Conshohocken, PA 19428, Publication date 2017; and

(IV) Have a plasticity index equal to or greater than ten (10) (ASTM Test D4318-17) ASTM International, 100 Barr Harbor, West Conshohocken, PA 19428, Publication date 2017; and

E. Installed so that the minimum bottom slope in any direction of flow is at least one percent (1%).

2. A test pad shall be constructed at the site and tested to verify that the proposed soils, construction equipment, and construction and quality control (QC) procedures are adequate to ensure that the soil component of the composite liner system will meet the requirements listed above.

A. Quality assurance (QA)/QC procedures and construction methods to be used during test pad construction shall be described in detail in the approved engineering report, and shall be identical to those proposed for liner construction with the following additions:

(I) At least two (2) laboratory hydraulic conductivity tests shall be performed on undisturbed samples of the completed test pad;

(II) At least five (5), with one (1) in-situ, hydraulic conductivity tests (ASTM D6391-11 Standard Test Method for Field Measurement of Hydraulic Conductivity Using Borehole Infiltration, ASTM International, 100 Barr Harbor West Conshohocken, PA 19428, Publication date 2011), shall be performed on the completed test pad; and

(III) At least two (2) test pits shall be excavated into the completed test pad to observe inter-lift bonding.

B. If test pad construction and testing shows that the proposed methods are not sufficient to meet the requirements of this rule, a new test pad shall be constructed using revised procedures approved



by the department.

C. For phased construction, only one (1) test pad will be required for a particular soil source, soil type, and equipment type.

D. A final report shall be submitted to the department that describes in detail the construction and QC procedures which were used to achieve satisfactory test pad performance.

(I) The report must be approved by the department prior to beginning construction of the soil component of the composite liner system in the disposal area.

(II) The report shall serve as guidance for construction of the soil component of the composite liner system.

E. The requirement for a test pad may be waived provided the applicant can demonstrate to the department's satisfaction the construction and QC procedures are identical to those described in the approved engineering report and will result in construction of a liner which meets the requirements of this rule, and the soils proposed for liner construction meet the following minimum specifications:

(I) Have a plasticity index greater than fifteen (15) and less than thirty (30) (ASTM test D4318-17 ASTM International, 100 Barr Harbor, West Conshohocken, PA 19428, Publication date 2017);

(II) Allow more than fifty percent (50%) passage through a number two hundred (200) sieve (ASTM D1140-17 ASTM International, 100 Barr Harbor, West Conshohocken, PA 19428, Publication date 2017); and

(III) Allow less than ten percent (10%) by weight particle sizes greater than two millimeters (2 mm).

(J) Requests for using Alternative Composite Liners will be considered for approval on a site-by-site basis.

(K) The leachate collection and removal system at the landfill shall be designed, constructed, operated, and maintained to collect and remove leachate from the landfill as long as leachate is being generated.

1. The leachate collection and removal system shall be—

A. Designed and operated to maintain less than a thirty (30) centimeter (1 foot) depth of leachate over the liner system;

B. Constructed of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying waste, waste cover materials, and equipment used at the landfill; and

C. Designed and operated to minimize clogging during the active life and post-closure care period.

2. Leachate flow quantities shall be estimated and the method(s) of leachate management outlined in the application submittal.

3. Leachate storage facilities shall comply with all currently applicable requirements of the Missouri Clean Water Law and corresponding rules.

4. Minimum design criteria for leachate collection systems shall include the following:

A. Ponds and/or tanks of sufficient capacity to store, equalize flow to disposal systems, and allow system/operating flexibility;

B. Collection systems designed and operated so that any leachate formed will flow by gravity into collection areas from which the leachate can be removed, treated if necessary, and disposed;

C. That proposed leachate management by application on the working face or by recirculation within the permitted fill area shall be conducted in accordance with an approved engineering method and designed, constructed, and operated to minimize off-site impacts; and

D. Any leachate collection system open to precipitation must be designed to prevent discharge during a twenty-four (24) hour, twenty-five (25) year storm event. Plans shall include the calculations detailing the design. At a minimum, sites using leachate pond(s) shall maintain an operational freeboard of no less than two feet (2') during normal operation, with a minimum freeboard of no less than one foot (1') after a twenty-four (24) hour, twenty-five (25) year storm event.

5. Design plans shall include a description of leachate manage-

ment activities by the landfill owner/operator under normal operating conditions. The plans shall also describe actions the landfill owner/operator shall take when the emergency level of less than two feet (2') of freeboard occurs in any pond, including at a minimum, how leachate will be removed from the pond and transported to a treatment or disposal facility, if necessary, a description of any testing requirements necessary prior to disposal, and a schedule by which time the leachate levels will be returned to the normal operating range, with at least two feet (2') of freeboard; the plans shall also include a contingency plan for leachate management in the event the on-site system becomes inoperable and leachate must be taken off-site for proper disposal.

(5) Quality Assurance/Quality Control (QA/QC).

(A) The construction, operation, corrective action, and closure of the sanitary, demolition, or special waste landfill shall include QA/QC measures to ensure compliance with approved plans and all applicable federal, state, and local requirements. The permittee shall be responsible for ensuring that the QA/QC supervision is conducted by a qualified professional.

(B) QA/QC plans shall include a detailed description of the QA/QC testing procedures that will be used for every major phase of construction. This description must include, at a minimum, the frequency of inspections, field testing, laboratory testing, equipment to be utilized, the limits for test failure, a description of the procedures to be used upon test failure, and a detailed procedure for the reporting and recording of QA/QC activities and testing results.

1. The QA/QC plan shall include the following components:

A. Leachate collection system. Reports prepared or approved by the professional engineer transmitting the results of the QA/QC procedures and stating that the leachate collection system was constructed according to the approved design or describing any deviations from the approved design; and

B. Liner. The liner specified by section (4) of this rule shall be constructed in accordance with the approved design specifications. The QA/QC procedures shall include:

(I) Evidence that the liner material(s) utilized meet(s) the minimum design specifications;

(II) Evidence that field construction techniques meet the minimum design specifications (for example, soil density test);

(III) Evidence that the liner construction is proceeding as designed through routine verification observations using a predetermined system of horizontal and vertical survey controls; and

(IV) Oversight of the liner construction and QA/QC procedures by a qualified professional, including submission of reports to transmit the results of the QA/QC procedures. Additionally, the report shall state that the liner was constructed according to design and describe any deviations from the approved design.

(C) At a minimum, QA/QC testing shall include:

1. Testing of each lift of the soil component of the final cover and landfill liner for field density and field moisture once per every ten thousand (10,000) square feet and providing relatively uniform coverage over the landfill surface;

2. Laboratory testing for Atterberg Limits (ASTM D-4318) and hydraulic conductivity of the soil used for liner construction once for every five thousand (5,000) cubic yards excavated;

3. Routine visual classification of borrow soil during landfill construction with oversight by an approving professional engineer;

4. Measuring the elevations of the final cover and the landfill liner on a maximum spacing of one hundred-foot (100') centers and at one hundred-foot (100') intervals along each line where a break in slope occurs;

A. Landfill liner. Measuring the elevations of the top and bottom of both the landfill liner and leachate collection systems;

B. Final cover. Measuring the elevations of the top and bottom of the landfill cover—

(I) The compacted clay layer; and

(II) The soil layer supporting vegetative growth;

5. For a geomembrane:



A. Nondestructive testing of all seams of the geomembrane in the landfill liner and final cover; and

B. Random destructive testing of the seams with results consistent with Geosynthetic Institute (GM 19a or GM 19b) 2017 of the geomembrane liner in the landfill liner and final cover on an average frequency of at least one (1) every five hundred (500) linear feet of seam.

(D) All testing shall be performed with oversight by an approving professional engineer for every major phase of construction.

(E) All QA/QC reports shall be reviewed, approved, and submitted by a professional engineer.

(6) Survey Control. Benchmarks, horizontal controls, and boundary markers at the landfill shall be established by a land surveyor registered in the state of Missouri to check and mark the location and elevations of the landfill ensuring compliance with design plans, phasing plans, and applicable conditions within the approved construction permit.

(A) At a minimum, a survey of the entire permitted acreage shall be conducted in accordance with the current Minimum Standards for Property Boundary Surveys 2 CSR 90 and include the establishment of a permanent monument used as a benchmark.

(B) All site survey information shall be reported in State Plane Coordinate System and North America Vertical Datum 1988.

(7) Water Quality.

(A) All permits and approvals necessary to comply with requirements of the Missouri Clean Water Law and corresponding rules shall be obtained from the department prior to commencement of operations at any landfill.

(B) The owner/operator of an existing or new landfill or any horizontal expansion shall design, construct, operate, and maintain—

1. On-site drainage, collection and control structures and channels for all stages of development to accommodate, at a minimum, the stormwater volume from a twenty-four (24)-hour, twenty-five (25)-year storm. The engineering calculations and assumptions shall be included and explained in the engineering report submitted to the department with the permit application; and

2. Surface water runoff diversion and control structures to minimize infiltration, erosion, ponding, run-on at the working face, and off-site transport of water and sediment (i.e. through ditches, berms, grading, etc.);

(C) The quantity of water coming in contact with solid waste shall be minimized by the daily operational practices.

1. Water which comes in temporary contact with the waste shall be managed in accordance with the approved stormwater management plans.

2. Water that passes through or emerges from waste and contains soluble, suspended, or miscible materials removed from such waste shall be managed in accordance with the approved leachate management plan.

(8) Leachate Management.

(A) Leachate collection media designated for use in the system must be of a material and placed in a manner that will not damage the liner (i.e. no sharp rocks and wires from tire chips).

(B) Leachate dispersion on the working face for purposes of waste compaction and densification is allowed in accordance with operational plans approved by the department.

(C) Leachate generated by the landfill shall be controlled on site, collected in a manner to protect the integrity of any containment system, and not be allowed to—

1. Enter the stormwater infrastructure, including ponds, where it will mix with stormwater;

2. Overtop its containment basin;

3. Discharge off of the landfill property;

4. Discharge into the waters of the state, except as allowed in the approved plans and through a permit under the Missouri Clean Water

Law and corresponding rules; and

5. Blow or drift off the lined areas of the facility from spray dispersal, or mist evaporative methods employed for leachate management.

(9) Groundwater Monitoring.

(A) The owner/operator of a sanitary, demolition, or special waste landfill shall implement a groundwater monitoring program capable of determining the landfill's impact on the quality of groundwater underlying the landfill.

1. Landfills permitted on or after the effective date of this rule must be in compliance with all of the groundwater monitoring requirements of this section before an operating permit is issued.

2. The department may require landfills permitted prior to the effective date of this rule to comply with part or all of this section, if it is determined necessary by the department to protect human health or the environment.

3. The owner/operator of a landfill shall establish the potential for migration of fluid generated by the landfill into the groundwater by an evaluation of—

A. A water balance of precipitation, evapotranspiration, runoff, and infiltration;

B. At a minimum, the following characteristics:

(I) Geologic materials;

(II) Description of soil and bedrock to a depth adequate to allow evaluation of water quality protection provided by the soil and bedrock;

(III) Groundwater elevation;

(IV) Proposed separation between the lowest point of the lowest cell and the maximum water table elevation;

(V) Proximity of the landfill to water supply wells or surface water;

(VI) Rate and direction of groundwater flow; and

(VII) Current and projected use of water resources in the potential zone of influence of the landfill.

4. Groundwater monitoring wells shall be installed so that the number, spacing, and depths of the wells shall be determined based upon site-specific technical information that shall include a thorough characterization of—

A. Aquifer thickness, groundwater flow rate, groundwater flow direction including seasonal and temporal fluctuations in groundwater flow; and

B. Saturated and unsaturated geologic units and fill materials overlying the uppermost aquifer, materials comprising the uppermost aquifer, and materials comprising the confining unit defining the lower boundary of the uppermost aquifer, including, but not limited to, thicknesses, stratigraphy, lithology, hydraulic conductivities, and porosities. If the lower confining unit is one hundred feet (100') or more below the top of the uppermost aquifer, borings verifying the lower confining layer will not be required. The upper fifty feet (50') of uppermost aquifer will be characterized.

5. Groundwater monitoring wells shall be capable of yielding groundwater samples for analysis, effectively monitoring the site, and consisting of at least one (1) well installed hydraulically up gradient; that is, in the direction of increasing static head from the landfill and at least three (3) wells installed hydraulically downgradient; that is, in the direction of decreasing hydraulic head from the landfill. The numbers, locations, and depths shall be sufficient to yield groundwater samples that are—

A. Representative of background water quality in the groundwater near the landfill;

B. Capable of detecting any significant amounts of fluids generated by the landfill that migrate from the landfill to the groundwater; and

C. Monitoring wells, or clusters of monitoring wells, shall be capable at a minimum, of monitoring all saturated zones down to and including the uppermost aquifer. The maximum distance a monitoring well may be located from the waste boundary is one hundred fifty

meters (150 m) or four hundred ninety-two feet (492').

6. The design and installation of groundwater monitoring well systems shall be observed, supervised, and certified by a qualified groundwater scientist and approved by the department.

(B) Sampling and Reporting.

1. Each landfill's groundwater monitoring program must include consistent sampling and analysis procedures that are designed to ensure monitoring results provide an accurate representation of groundwater quality at monitoring wells installed in compliance with this section. The owner/operator shall submit the sampling and analysis program to the department for approval. The program shall include procedures and techniques for—

- A. Monitoring well maintenance;
- B. Monitoring well redevelopment;
- C. Monitoring well depth measurement and hydraulic levels;
- D. Monitoring well purging and sampling utilizing dedicated

equipment;

- E. Equipment calibration;
- F. Decontamination and field blanks;
- G. Sample and duplicate sample collection;
- H. Sample preservation;
- I. Sample labeling;
- J. Sample handling;
- K. Field measurements;
- L. Field documentation;
- M. Chain of custody control;
- N. Sample shipment;
- O. Analytical procedures;
- P. QA/QC control—field and laboratory; and
- Q. Statistical testing strategy for each parameter's concentra-

tions.

2. Each groundwater monitoring program shall include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure monitoring constituents in groundwater samples, as required by the Detection Monitoring List in Appendix I or an alternative detection monitoring list approved by the department, that includes the anticipated parameters of concern for the specific facility. Analysis shall be performed on unfiltered samples.

3. The owner/operator shall determine the rate and direction of groundwater flow each time groundwater is sampled. Groundwater elevations in wells which monitor the same solid waste disposal area shall be measured within a period of time short enough to avoid temporal variations in groundwater flow which could preclude accurate determination of groundwater flow direction.

(C) Baseline/Background Monitoring.

1. The owner/operator of a new sanitary or demolition landfill shall establish background groundwater quality for each of the monitoring constituents required in Appendix I for sanitary landfills and Appendix III for demolition landfills.

2. To establish background, a minimum of eight (8) quarterly samples of statistically independent sample data shall be obtained and analyzed from all monitoring wells. Additional background samples may be required based upon the statistical methodology used.

3. Landfills may begin accepting waste upon completion of a minimum of four (4) independent baseline/background sampling events of constituents in Appendix I for sanitary landfills and Appendix III for demolition landfills.

4. Background concentrations also shall be established for monitoring constituents listed in Appendix II for sanitary landfills and Appendix IV for demolition landfills, and two (2) sets of samples shall be obtained prior to accepting waste. If constituents in Appendix II for sanitary landfills and Appendix IV for demolition landfills are not detected after two (2) background events, the background concentrations may be established as the detection limit for those organic constituents.

(D) Detection Monitoring.

1. The owner/operator of a sanitary or demolition landfill shall

obtain and analyze water samples from the groundwater monitoring wells during the months of March through May and September through November of each calendar year unless an alternative schedule is approved by the department. Sampling events must be six (6) months apart or an alternative schedule approved by the department.

2. The following constituents shall be analyzed each time a sample is obtained:

A. For a sanitary landfill, all constituents listed in Appendix I of this rule.

B. For a demolition landfill, all constituents listed in Appendix III of this rule.

C. The water level in each well shall be measured at the sanitary or demolition landfill at the time the sample is taken.

3. The sample results, and any results of statistical analysis determining statistically significant increases for any constituent shall be submitted to the department in one (1) report within ninety (90) days of when samples are collected. All groundwater data shall be submitted electronically, in the format and method as prescribed by the department.

4. In the case of all detection monitoring requirements previously listed, the department may specify an appropriate alternative frequency for repeated sampling and analysis during the active life of the landfill (including closure) and the post-closure period. The department may add additional constituents or delete constituents on a site-by-site basis through an evaluation of waste and leachate characteristics of the landfill.

(E) Statistical Method. The owner/operator of a sanitary, demolition, or special waste landfill shall specify statistical methods to be used in evaluating groundwater monitoring data for each monitoring constituent. These methods shall be in compliance with the EPA Unified Guidance, Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities-March 2009.

(F) Response to Detection Monitoring Statistical Analysis.

1. If the statistical comparison shows a statistically significant increase (or pH change) over background, and attributes it to the landfill, the owner/operator of the sanitary, demolition, or special waste landfill shall submit this information to the department and conduct confirmation sampling during the next semiannual monitoring event.

2. If the results of the statistical analysis reveal a statistically significant increase (or pH change) over background, the owner/operator must demonstrate to the department within ninety (90) days that a source other than the landfill caused the contamination or that the statistically significant increase resulted from an error in sampling, analysis, statistical evaluation, or natural variation. If the statistical methodology used by the owner/operator requires a confirmation sample or second confirmation sample, then the next required sampling event can be used as the confirmation sampling event.

(G) Assessment Monitoring.

1. If the owner/operator cannot make this demonstration to the department, the owner/operator shall submit a groundwater assessment monitoring plan and implement the plan upon approval by the department. The assessment monitoring plan shall specify the following:

- A. The number, location, and depth of wells;
- B. Sampling and analytical methods for the monitoring constituents listed in Appendix II or IV of this rule, as applicable;
- C. Evaluation procedures, including any use of previously gathered groundwater quality information;
- D. The rate and extent of migration of a contaminant plume in the groundwater; and
- E. The concentrations of the contaminant plume in the groundwater.

2. After obtaining the results from the initial or subsequent sampling events, the owner/operator shall—

- A. Within fourteen (14) days, advise the department which constituents have been detected;
- B. Within ninety (90) days, and on a semi-annual basis after

that, resample all wells and conduct analysis for all constituents listed in Appendix I and Appendix II that were detected during the initial or subsequent sampling events of assessment monitoring for the sanitary landfill, and Appendix III and IV that were detected during the initial or subsequent sampling events of assessment monitoring for the demolition landfill. Samples shall be analyzed for the complete list of Appendix II or Appendix IV constituents at least once every five (5) years for all wells in assessment monitoring. A minimum of one (1) sample from each well sampled shall be collected and analyzed during these sampling events;

C. Establish background concentrations for any new constituents detected during subsequent monitoring events;

D. Establish groundwater protection standards for all new constituents detected during subsequent monitoring events. For the purposes of this subparagraph, the site-specific groundwater protection standards shall be the maximum contaminant level (MCL) established under the National Primary Drinking Water Regulations sections 141.62 (June 29, 2004) and sections 141.66 (December 7, 2000), provided that if no MCL has been established or the site-specific background value is higher than the MCL, then the groundwater protection standards shall be the site-specific background value;

E. If the concentrations of all constituents listed in Appendix II or IV of this rule are shown to be at or below background levels as established in this rule for two (2) consecutive sampling periods, the owner/operator may reinstate detection monitoring;

F. If the concentrations of any constituents listed in Appendix II or IV of this rule are above background values, but all concentrations are below the groundwater protection standard established under this rule using the statistical procedures approved by the department for the landfill, the owner/operator shall notify the department and the department may require the owner/operator to—

(I) Continue assessment monitoring; or

(II) Develop a corrective action plan, or both;

G. If one (1) or more constituents listed in Appendix I, II, III, or IV of this rule are detected at levels above the groundwater protection standard, the owner/operator shall—

(I) Provide the department with a report assessing potential corrective actions as outlined in section (10);

(II) Characterize the nature and extent of the release by installing additional monitoring wells as necessary to determine the rate and extent of groundwater contamination, and notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site as indicated by sampling of wells; and

(III) Continue assessment monitoring as per the groundwater quality assessment plan and implement the approved corrective action program specified in this rule; and

H. The results of implementation of the assessment monitoring program shall be submitted to the department at the end of each year or an alternate time period approved by the department.

(10) Corrective Action. Owners and operators of a sanitary, demolition, or special waste landfill that shows one (1) or more constituents listed in Appendix I, II, III, or IV of this rule being detected at levels above the groundwater protection standard as established, and determined to be a result of a release of leachate or landfill gas from the facility, shall in consultation with the department either proceed with corrective actions or submit a corrective action plan as outlined in subsections (10)(A) through (C).

(A) Assessment of Corrective Action(s).

1. Within ninety (90) days of finding that any of the constituents listed in Appendix II or IV of this rule have been detected at a statistically significant level exceeding the groundwater protection standards, the owner/operator shall initiate an investigation and assessment of potential corrective actions. This assessment shall be completed within a reasonable period of time, and a report describing the assessment of corrective actions shall be submitted to the department.

2. The owner/operator shall continue to monitor in accordance

with the assessment monitoring program as specified in this rule.

3. The assessment shall include an analysis of the effectiveness of potential corrective actions in meeting all of the requirements and objectives of the remedy as described in this rule, addressing at least the following:

A. The performance, reliability, ease of implementation, and potential impacts of appropriate potential corrective action(s), including safety impacts, cross-media impacts, and control of exposure to any residual contamination;

B. The time required to begin and complete the action(s);

C. The costs of implementation; and

D. The institutional requirements such as state or local permit requirements or other environmental or human health requirements that may substantially affect implementation of the corrective action(s).

4. The owner/operator shall discuss the results of the corrective action(s) assessment, prior to the selection of a remedy, in a public meeting with interested and affected parties.

(B) Selection of Corrective Action(s).

1. Based on the results of the potential corrective action(s) assessment, the owner/operator shall propose a corrective action(s) plan. The owner/operator shall submit to the department, within fourteen (14) days of selecting a proposed corrective action(s) plan, a report describing the proposed corrective action(s) and how the proposed plan meets the standards of this rule.

2. Corrective action(s) shall—

A. Be protective of human health and the environment;

B. Attain the groundwater protection standard; and

C. Control the source(s) of releases so as to reduce or eliminate, to the maximum extent practicable, further releases of constituents listed in Appendix I, II, III, or IV of this rule into the environment that may pose a threat to human health or the environment.

3. In proposing a corrective action, the owner/operator shall include the following evaluation factors:

A. The long- and short-term effectiveness and protectiveness of the potential action(s), along with the degree of certainty that the remedy will prove successful based on consideration of the following:

(I) Magnitude of reduction of existing risks;

(II) Magnitude of residual risks in terms of likelihood of further releases due to waste remaining following implementation of the proposed remedy;

(III) The type and degree of long-term management, including monitoring, operation, and maintenance;

(IV) Short-term risks that might be posed to the community, workers, or the environment during implementation of the corrective action(s), including potential threats to human health and the environment associated with excavation, transportation and redisposal, or containment;

(V) Time until full protection is achieved;

(VI) Potential for exposure of humans and environmental receptors to remaining waste, considering the potential threat to human health, and the environment associated with excavation, transportation, redisposal, or containment;

(VII) Long-term reliability of the engineering and institutional controls; and

(VIII) Potential need for replacement of the corrective action(s);

B. The effectiveness of the corrective action(s) in controlling the source to reduce further releases based on consideration of the following factors:

(I) The extent to which containment practices will reduce further releases; and

(II) The extent to which treatment technologies may be used;

C. The ease or difficulty of implementing the potential corrective action(s) based on consideration of the following types of factors:

(I) Degree of difficulty associated with constructing the corrective action(s) technology;

(II) Expected operational reliability of the proposed technologies;

(III) Need to coordinate with and obtain necessary approvals and permits from other agencies;

(IV) Availability of necessary equipment and specialists; and

(V) Available capacity and location of needed treatment, storage, and disposal services; and

D. The degree to which community concerns are addressed by the proposed corrective action(s).

4. The owner/operator shall specify as part of the proposed corrective action(s) a schedule(s) for initiating and completing corrective action(s). This schedule shall require the initiation of corrective action(s) within a reasonable period of time. The owner/operator shall include the following factors in selecting corrective action(s):

A. Extent and nature of contamination;

B. Practical capabilities of remedial technologies in achieving compliance with groundwater protection standards pursuant to this rule and other objectives of the remedy;

C. Availability of treatment or disposal capacity for wastes managed during implementation of the corrective action(s);

D. Desirability of utilizing technologies that are not currently available, but which may offer significant advantages over already available technologies in terms of effectiveness, reliability, safety, or ability to achieve remedial objectives;

E. Potential risks to human health and the environment from exposure to contamination prior to completion of the corrective action(s);

F. Resource value of any affected aquifer including:

(I) Current and future uses;

(II) Proximity and withdrawal rate of users;

(III) Groundwater quantity and quality;

(IV) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to the waste constituent;

(V) The hydrogeologic characteristic(s) of the facility and surrounding land;

(VI) Groundwater removal and treatment costs; and

(VII) The cost and availability of alternative water supplies;

G. Practicable capability of the owner/operator; and

H. Other relevant factors.

5. The department may determine that remediation of a release of any constituent listed in Appendix I, II, III, or IV of this rule from a landfill is not necessary if the owner/operator demonstrates to the satisfaction of the department that—

A. The groundwater is additionally contaminated by substances that have originated from a source other than the landfill and those substances are present in concentrations such that cleanup of the release from the landfill unit would provide no significant reduction in risk to actual or potential receptors;

B. The constituent(s) is present in groundwater that—

(I) Is not a current or potential source of drinking water; and

(II) Is not hydraulically connected with waters to which the hazardous constituents are migrating or are likely to migrate in a concentration(s) that represents a statistically significant increase over background concentrations;

C. Remediation of the release(s) is technically impracticable; or

D. Remediation would result in unacceptable cross-media impacts.

6. A determination by the department pursuant to paragraph (10)(B)5. of this rule shall not affect the authority of the state to require the owner/operator to undertake source control measures or other measures that may be necessary to eliminate or minimize further releases to the groundwater, to prevent exposure to the groundwater, or to remediate the groundwater to concentrations that are technically practicable and which significantly reduce threats to human health or the environment.

(C) Implementation of the Corrective Action(s) Program.

1. Based on the schedule established for initiation and completion of corrective action(s), the owner/operator shall—

A. Establish and implement a corrective action(s) groundwater monitoring program that—

(I) At a minimum, meets the requirements of an assessment monitoring program of this rule;

(II) Indicates the effectiveness of the corrective action(s); and

(III) Demonstrates compliance with the groundwater protection standard.

B. Implement the corrective action(s) selected; and

C. Take any interim corrective action(s) necessary, any action(s) determined to be necessary by the department, or both, to ensure the protection of human health and the environment. Interim corrective action(s) shall, to the greatest extent practicable, be consistent with the objectives of and contribute to the performance of any action(s) selected. The following factors shall be considered by an owner/operator, and will be considered by the department, in determining whether interim action(s) is necessary:

(I) Time to develop and implement a final remedy;

(II) Actual or potential exposure of nearby populations or environmental receptors to hazardous constituents;

(III) Actual or potential contamination of drinking water supplies or sensitive ecosystems;

(IV) Further degradation of the groundwater that may occur if a corrective action(s) is not initiated expeditiously;

(V) Weather conditions that may cause hazardous constituents to migrate or be released;

(VI) Risks of fire, explosion, or potential for exposure to hazardous constituents as a result of an accident or failure of a container or handling system; and

(VII) Other situations that may pose threats to human health and the environment.

2. The department may determine, based on information developed after implementation of the corrective action(s) has begun, or other information, that compliance is not being achieved through the action(s) selected. In those cases, the owner/operator shall implement other methods or techniques that will achieve compliance with the requirements, unless the department makes the determination under paragraph (10)(C)3. of this rule.

3. If the department determines that compliance cannot be practically achieved with any currently available methods, the owner/operator shall—

A. Obtain the certification of a qualified groundwater scientist and approval from the department that compliance cannot be practically achieved with any currently available methods;

B. Implement alternative corrective action(s) to control exposure of humans or the environment to residual contamination, as necessary, to protect human health and the environment;

C. Implement alternative corrective action(s) for control of the sources of contamination, or for removal or decontamination of equipment, units, devices, or structures that are—

(I) Technically practicable; and

(II) Consistent with the overall objective of the corrective action(s); and

D. Submit a report to the department justifying the alternative corrective action(s). The alternative action(s) must be approved by the department prior to implementation.

4. All solid wastes that are managed pursuant to a corrective action(s) plan or an interim corrective action(s) plan shall be managed in a manner—

A. That is protective of the human health and the environment; and

B. That complies with all applicable state and federal requirements.

5. Remedies selected pursuant to this rule shall be considered complete when—

A. The owner/operator complies with the groundwater protection standards established under this rule at all points within the plume of contamination;

B. Compliance with the groundwater protection standards has been achieved by demonstrating that concentrations of all constituents listed in Appendix I, II, III, or IV of this rule have not exceeded the groundwater protection standard(s) for a period of three (3) consecutive years using the approved statistical procedures and performance standards. The department may specify an alternative length of time during which the owner/operator shall demonstrate that concentrations of all constituents listed in Appendix I, II, III, or IV of this rule have not exceeded the groundwater protection standard(s) taking into consideration—

(I) Extent and concentration of the release(s);

(II) Behavioral characteristics of the hazardous constituents in the groundwater;

(III) Accuracy of monitoring or modeling techniques, including any seasonal meteorological, or other environmental variabilities that may affect the accuracy; and

(IV) Characteristics of the groundwater; and

C. All actions required to complete the corrective action(s) plan have been completed.

6. Upon completion of the corrective action(s), the owner/operator shall submit a certification to the department within fourteen (14) days after the corrective action(s) has been completed and shall place a copy of the certification in the facility's operating record. The certification shall be signed by the owner/operator and by a qualified groundwater scientist and approved by the department.

7. When, upon completion of the certification, the owner/operator and the department determine that the corrective action(s) has been completed, the owner/operator shall be released from the requirements for financial assurance for corrective action under 10 CSR 80-2.030(4)(C).

#### (11) Air Quality.

(A) The design, construction, and operation of the sanitary, demolition, or special waste landfill shall minimize impacts or hazards to human health or the environment and shall comply with applicable ambient air quality and source control regulations.

(B) Design and operational plans shall include a description of efforts to be taken to prevent off-site emissions, including an effective dust and odor control program.

(C) Operation and maintenance of the landfill gas collection and control system shall be in accordance with the Missouri Solid Waste Management Law and Missouri Clean Air Law.

(D) The landfill owner/operator shall take steps to prevent excessive odors or dust or any leachate spray from application to the working face, from leaving the landfill property.

(E) Burning at the landfill shall be conducted in accordance with Chapter 643, RSMo, the corresponding rules, the terms and conditions, or both, of the plans, permits, or both, and all local requirements. Burning within the permitted boundary of a sanitary or demolition landfill shall be limited to tree trunks, tree limbs, and vegetation resulting from land clearing related to landfill operation/development. Burning of all other solid waste is prohibited on the landfill property.

#### (12) Landfill Gas Monitoring.

(A) The sanitary or demolition landfill owner/operator shall implement a landfill gas monitoring program as outlined in subsection (12)(C) prior to receiving an operating permit. Requirements for implementing a landfill gas monitoring plan at special waste landfills will be determined by the department on a case-by-case basis.

(B) The department may apply some or all of the requirements of this section to the design and maintenance of any landfill that has ceased accepting waste if the department determines there is evidence of an existing or potential safety concern or an existing or potential environmental impact, either of which that can be attributed to the adverse effects of landfill gas migrating from the landfill.

(C) Owners/operators of sanitary or demolition landfills receiving waste on or after the effective date of this rule shall develop a landfill gas monitoring plan prepared by an independent professional engineer capable of detecting landfill gases in the most likely zone(s) of migration to ensure concentrations of methane gas do not exceed limits set out in this rule. The plan shall describe the monitoring systems, equipment, and procedures that will be utilized to detect methane that is generated in the landfill and may accumulate in structures or migrate through the subsurface beyond the landfill property boundary.

1. The landfill gas monitoring plan shall include the following:

A. Provisions for monitoring the subsurface for migration of methane utilizing a network of landfill gas compliance monitoring wells installed within the permitted boundary.

(I) Gas monitoring well and well network – design and construction.

(a) Wells shall be designed and installed to monitor all unsaturated zones down to an elevation equal to the bottom elevation of waste at the lowest point in the landfill and include all site-specific information used as a basis for the design, construction, installation, and monitoring of the wells.

(b) The maximum spacing between landfill gas compliance monitoring wells shall be five hundred feet (500') at any two (2) adjacent well locations, unless the department approves documentation provided in the landfill gas monitoring plan that a hydrologic or topographic barrier to methane migration exists in a specific area of the site.

(c) The owner/operator shall assess the need for a closer well spacing to provide monitoring for:

I. Enclosed structures located within one thousand feet (1,000') of the permitted boundary;

II. Underground utility lines, trenches, vaults, manholes, and any other potential confined spaces that are located within the permitted boundary or within one thousand feet (1,000') of the permitted boundary, and may require entry by a worker or property owner, or that could act as a conduit for landfill gas flow;

III. Any known natural subsurface gas migration pathways, based on documentation of the geologic, hydrologic, and topographic conditions of the site and the surrounding property located within one thousand feet (1,000') of the permitted boundary;

IV. Any known manmade subsurface gas migration pathways, based on knowledge of the site and the surrounding property; and

V. Any area of the site that was subject to historical methane migration assessments or investigation.

(d) The department may waive the requirement to install landfill gas compliance monitoring wells within a specific defined area provided the landfill owner/operator demonstrates to the department that a hydrologic or topographic barrier exists between the landfill waste footprint and the permitted boundary within the defined area. The demonstration(s) shall be submitted to the department with, or as an addendum to, the landfill gas monitoring plan, and shall address the following:

I. Hydrologic barrier. This requires the owner/operator to submit documentation to the department, reviewed, signed, and sealed by an independent registered geologist, that hydrologic

conditions exist within the defined area that preclude the migration of landfill gas onto an adjacent property. To be classified as a hydrologic barrier, the hydrologic conditions must meet the following criteria:

a. The subsurface is continuously saturated in a zone defined by a vertical surface that exists between the landfill footprint and the permitted boundary and extends horizontally the entire width of the defined area, and extends vertically from an elevation equal to or lower than the bottom elevation of waste at the lowest point within the landfill footprint to an elevation equal to or greater than the elevation of the highest point along the permitted boundary within the defined area; and

b. The saturated conditions are permanent (i.e. not seasonal or weather dependent) within the defined area; and

II. Topographic barrier. This requires the owner/operator to submit documentation to the department, reviewed, signed, and sealed by an independent professional engineer, that the ground surface elevation along a continuous contour line between the landfill footprint and the permitted boundary and extending the entire width of the defined area, is below the bottom most elevation of any waste located within one thousand feet (1,000') of the defined area.

B. Provisions for monitoring for methane in each enclosed structure or confined space located within the permitted boundary of the landfill.

(D) Landfill Gas Monitoring Well Network – Operation and Maintenance.

1. Wells shall be constructed, installed, maintained, and plugged in accordance with the Missouri Monitoring Well Construction Code, 10 CSR 23-4.

2. The survey coordinates and the top-of-casing elevation for each well shall be established using conventional or GPS surveying techniques and submitted to the department with the monitoring system as-built drawings.

3. Each well shall be marked clearly in the field with a permanent placard or sign showing its identification number.

4. Each well shall be equipped with a sampling port to allow sampling without removal of the well cap.

5. All monitoring wells shall be protected from unauthorized access and kept locked and secured at all times.

6. The landfill owner/operator shall sample all landfill gas compliance monitoring wells at least quarterly, or more frequently if required by the department to protect human health or guide corrective actions.

7. The landfill owner/operator shall measure the following constituents in each landfill gas compliance monitoring well during each sampling event:

A. Methane concentration (percent methane by volume);

B. Oxygen concentration (percent oxygen);

C. Carbon dioxide concentration (percent carbon dioxide);

D. Atmospheric (barometric) pressure (inches Hg); and

E. Other constituents if the department determines that conditions at the landfill warrant the need for additional information to protect human health.

8. The landfill owner/operator shall submit all monitoring results electronically to the department within seven (7) days of collection—

A. At least quarterly, or more frequently if required due to detection of methane above limits specified in subsection (13)(C); and

B. In a format and manner prescribed by the department.

(13) Landfill Gas Collection and Control. Landfills accepting waste with the potential to generate methane shall be designed to prevent the migration of methane gases generated by the waste fill through an active gas collection and control system to avoid posing a hazard to the health and safety of the public and landfill personnel, or creating a negative impact to the environment. The department may apply some or all of the requirements of this section to the design of any

landfill that has ceased accepting waste, if the department determines there is evidence of an existing or potential human health concern or an existing or potential environmental impact, either of which can be attributed to the adverse effects of landfill gas migrating from the landfill. Unless notified otherwise by the department, owners/operators of landfills that are inactive or officially closed shall design the landfill to control methane in accordance with the regulations in effect at the time the landfill ceased receiving waste.

(A) Design.

1. Owners/operators of landfills receiving waste on or after the effective date of this rule shall submit to the department a design for an active landfill gas collection and control system to service areas of the landfill that warrant control, unless such design for an active landfill gas collection and control system has already been submitted and approved by the department. The system shall be designed to prevent the migration of methane through the subsurface into enclosed structures within the permitted boundary and/or onto surrounding properties.

2. The plans for the design and operation of the landfill gas collection and control system shall, at a minimum, include the following:

A. Drawings that show the layout and locations of all landfill gas, gas condensate, and, if applicable, pneumatic control system components and equipment, specifications of all piping systems, locations of all components, trench specifications, and system connections and piping configurations for all components;

B. Calculations verifying design and flow capacity over the intended use of the gas collection and control system;

C. Design specifications for all materials, components, and equipment used in the landfill gas collection and control system;

D. A landfill gas collection well schedule indicating, for each well, the approximate elevation of the landfill surface at the location of the well, the proposed elevation of the top of base liner at the location of the well, the proposed length of slotted and solid pipe in the well, and the proposed depth of the well;

E. A well construction diagram (cross-section drawing) illustrating the design details for a typical landfill gas collection well, and showing the diameter of the borehole, the material specifications for the well riser, the dimensions and material specifications for the borehole seals, the dimensions and material specifications for the filter pack, and the type of surface completion;

F. Construction diagrams illustrating the design details for all collection points, including, but not limited to, the horizontal collection trenches, passive systems, or surface collection components;

G. A description of when the system is to be installed in each phase or cell of the landfill, with respect to overall landfill development. Showing the conceptual sequence of installation of the landfill gas collection and control system on the phase development drawings pursuant to subsection (4)(G) of this rule satisfies this requirement; and

H. All applicable permits and approvals necessary to comply with the requirements of the Missouri Air Conservation Law and rules.

3. All landfill gas collection wells installed in waste shall be designed such that the bottom of the well borehole is not less than ten feet (10') above the top of the landfill liner.

4. The owner/operator also shall submit to the department a detailed operating and maintenance plan for the landfill gas collection and control system installed within the landfill footprint, and any landfill gas collection and control systems external to the landfill footprint. The operating and maintenance plan shall address the system(s) in its entirety and each system component individually.

5. The department may approve the use of an alternative gas system design on a case-by-case basis.

(B) Operation.

1. The owner/operator of a landfill shall control landfill gas on site so that it will not accumulate in explosive or toxic concentrations and migrate laterally from the waste footprint to endanger the health

of landfill employees or the public, or pose a threat to the environment.

2. The department may require landfill owners to install portions of the approved landfill gas collection and control system, or to install an interim landfill gas collection and control system, in specific areas of the landfill as necessary to control landfill gas.

3. The system shall be adjusted (tuned) as needed to optimize performance. The landfill owner/operator shall, in a timely manner, investigate the reason for reduced performance and make any necessary adjustment to, repair of, or replacement of a system component or components to return the system performance to optimal levels.

4. The system shall be maintained in accordance with the approved operating and maintenance plan(s).

5. The owner/operator shall inspect all components and portions of the system at least monthly.

6. The leachate level in landfill gas collection wells installed in the waste mass shall be checked and controlled at least quarterly to prevent methane migration and odors and ensure efficient operation of the collection wells.

(C) Methane shall not be allowed to accumulate above the following concentrations:

1. Twenty-five percent (25%) of the lower explosive limit (LEL) or one and one-quarter percent (1.25%) methane by volume in air in enclosed structures within the permitted boundary;

2. Fifty percent (50%) of the LEL or two and one-half percent (2.5%) by volume for methane in the soil at the permitted boundary of the landfill;

3. For purposes of this section, LEL means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at twenty-five degrees Celsius (25°C) and atmospheric pressure.

(14) Landfill Gas Corrective Action. In the event methane or other landfill gases are detected migrating from the landfill waste footprint and accumulating above the concentrations specified in this rule, the landfill owner/operator shall take immediate action to protect the health and safety of the public and landfill personnel and any threat to the environment. The owner/operator shall then take appropriate and timely corrective actions to control the landfill gas and alleviate the migration of methane onto any surrounding properties, or into enclosed structures or underground utility structures, as the situation warrants.

(A) Corrective Action. The landfill owner/operator shall take the following actions upon detection of elevated methane concentrations in structures and in the soil at the property boundary of the landfill.

1. Once the determination has been made to keep people out of any structure or away from any area, immediately notify the following parties that methane gas exceedance has been discovered:

A. Fire department or local emergency management personnel;

B. The department; and

C. Owners and occupants of properties within one thousand feet (1,000') of any compliance monitoring well exhibiting concentrations above the limit(s) provided in (13)(C) of this rule.

2. For concentrations of landfill gas(es) detected in on- or off-site enclosed structures above the limit(s) provided in (13)(C) of this rule, immediately take all appropriate actions to mitigate the effects of landfill gas accumulation in those structures until a permanent remediation is completed. These corrective actions may include, but are not limited to:

A. Emergency actions required by the fire department or local emergency management personnel, as needed, to protect employee, and human health and safety;

B. Ventilate any confined spaces that may trap landfill gases or install landfill gas detectors in confined spaces that may accumulate landfill gases; and

C. Establish a temporary landfill gas monitoring program in affected structures using an increased monitoring frequency from the

frequency in (12)(D)8. of this rule.

3. Once methane migration has been confirmed, the department may establish alternative, more frequent, schedules for monitoring, notification, and implementation of corrective actions, as needed, to protect the health and safety of landfill employees, the public, and the environment.

4. Within seven (7) days of detection, submit to the department a report describing the notification process and steps taken to protect employee and public health and safety;

5. Within forty-five (45) days of detection, submit to the department for approval a corrective action plan designed by a professional engineer to address the gas migration. The plan shall investigate the reason for the migration, describe the nature and extent of the migration, and propose a remedy to correct the migration. The department shall approve or disapprove the plan within fourteen (14) days of receipt.

6. If the landfill is experiencing ongoing methane gas migration, the owner/operator shall notify the department—

A. Within twenty-four (24) hours of discovering that the landfill gas collection and control system has been damaged, that a complete failure has occurred, or that a significant portion of the system has been taken out of service as a result of a malfunction; and

B. At least seven (7) days in advance of any scheduled activity that requires taking all or part of the landfill gas collection and control system off line or out of service for longer than twenty-four (24) hours if the landfill has methane gas migration.

7. If upon completion of the department's review of the corrective action plan, the department finds the plan does not provide sufficient data to support the corrective actions proposed in the plan, the department shall deny the plan. The landfill owner/operator shall submit a revised corrective action plan within thirty (30) days of the department's denial of the original corrective action plan.

8. Once the corrective action plan has been approved by the department, the landfill owner/operator shall implement the plan within one hundred twenty (120) days or an alternative timeframe approved by the department, monitor results of corrective actions taken, analyze and report to the department on the impact of corrective actions taken, and continue to propose and implement approved corrective actions until the methane gas concentrations fall to within compliance limits.

9. When the methane concentrations in all landfill gas compliance wells fall to below limits provided in (13)(C) of this rule and remain there for longer than one (1) month's time, the department will allow the resumption of a gradually reduced monitoring frequency. After one (1) year of methane concentrations remaining below the limits provided in (13)(C) of this rule, the landfill owner/operator may petition and receive approval from the department to return to a quarterly landfill gas monitoring schedule.

(15) Vectors. The landfill owner/operator shall operate and maintain the landfill in a manner that is unfavorable for the harboring, feeding, and breeding of vectors and immediately implement those procedures when vectors are first observed. The landfill operating manual shall include contingency plans for vector control, and the owner/operator shall be prepared to immediately implement those procedures when vectors are observed.

(16) Aesthetics.

(A) The sanitary, demolition, or special waste landfill owner/operator shall operate the landfill in an aesthetically acceptable manner.

(B) Wastes that are easily moved by wind shall be covered, as necessary, to prevent becoming airborne and scattered, and the landfill shall employ effective litter control methods and best management practices to prevent litter from leaving the permitted area of the landfill.

(C) On-site vegetation should be cleared only as necessary. Natural windbreaks, such as green belts, should be maintained where they will reduce noise, dust, and odors, and improve the appearance and

operation of the landfill.

(17) Cover.

(A) Cover shall be applied at the landfill to minimize fire hazards, infiltration of precipitation, odors and blowing litter; control gas venting and vectors; discourage scavenging; and provide a pleasing appearance.

(B) The owner/operator shall include in the landfill's operating plan a description of daily and intermediate cover at the landfill and also submit a written closure/post-closure plan that includes the design and construction of a final cover system over each phase or cell as it reaches the approved final elevation, in accordance with this rule.

1. The operating plan shall include:

A. The proposed cover sources, quantities, and soil classifications (Unified Soil Classification System or United States Department of Agriculture classification system). Soil classification is not necessary for soils used for daily and intermediate cover;

B. The capability of the cover to perform the functions listed above; and

C. Design, construction, and operations that ensure active, intermediate, and final slopes shall not exceed thirty-three and one-third percent (33 1/3%);

2. The closure/post-closure plan shall include:

A. A description of how the operating plan shall prepare the landfill for closure and the procedures to establish and maintain vegetative growth to combat erosion and improve appearance of idle and completed areas, including fertilizer rate, soil conditioning rate, seeding rate, and provisions for mulching;

B. Procedures to maintain cover integrity, for example, regrading and recovering;

C. Methods for borrow areas to be reclaimed on site so as to restore aesthetic qualities and prevent excessive erosion;

D. Provisions for construction of the final slope of the top of the landfill to have a minimum slope of five percent (5%);

E. A design of the final side slopes to minimize infiltration, promote run off without excessive erosion, and not to exceed twenty-five percent (25%), unless it has been demonstrated in a detailed slope stability analysis approved by the department that the slopes can be constructed and maintained throughout the entire operational life and post-closure period of the landfill;

F. Shear failure analyses where intermediate or final slopes exceed twenty-five percent (25%). However, the department will waive the analysis for slopes of twenty-five percent (25%) or less, except in seismic impact zones;

G. The design and installation of the geomembrane liner, which is to be in intimate contact with the underlying compacted clay;

H. The design and installation of the final cover system(s) and provisions for slope stability; and

I. A final cover system installation schedule as each phase of the landfill reaches approved elevations.

3. For landfills with composite liners, final cover shall be designed and constructed in composite layers, in order from top to bottom, as follows:

A. Two feet (2') of soil capable of sustaining vegetative growth;

B. A drainage layer;

C. A geomembrane liner at least as thick as the minimum thickness specified in subsection (4)(I); and

D. One foot (1') of compacted soil with a coefficient of permeability of  $1 \times 10^{-5}$  cm/sec or less;

4. For existing landfills without composite liners, the final cover shall consist of at least two feet (2') of compacted soil with a coefficient of permeability of  $1 \times 10^{-5}$  cm/sec or less and overlaid by at least one foot (1') of soil capable of sustaining vegetative growth.

(C) Operations – Cover.

1. For sanitary landfills, no less than six inches (6") of cover

shall be applied by the end of each operating day, regardless of weather, unless an alternative is approved by the department. The practice of peeling back and reusing cover is an approved practice so long as the method and practice is contained in the operating plan. Sanitary landfills operating twenty-four (24) hours per day shall cover the waste at least once every twenty-four (24) hours.

2. For demolition landfills, no less than twelve inches (12") of cover shall be applied at least once at the end of each operating week or immediately before the facility closes if the facility is to be closed for more than twenty-four (24) hours.

3. Alternative daily cover.

A. An alternative daily cover may be approved by the department on a site-specific basis, if the landfill owner/operator demonstrates that the alternative material controls stormwater run-on and runoff and prevents disease, vectors, fires, odors, and blowing litter, without presenting a threat to human health and the environment.

B. In the event the use of an alternative daily cover is approved by the department, the landfill owner/operator shall make all efforts to ensure that the use of alternative daily cover does not contribute to increased odor generation, leachate generation, litter blowing from the working face, or attraction of vectors.

4. Surface grades and side slopes shall be constructed and maintained to promote runoff without excessive erosion.

5. Re-grading and recovering shall be performed as necessary, followed by re-establishing vegetation, to maintain landfill cover, slope, and integrity.

6. In areas of the landfill where waste has not been accepted for more than sixty (60) days, cover shall be increased to a total thickness of at least one foot (1') of compacted cover, and steps taken to seed and encourage vegetative growth.

7. All final side slopes and the slope of the top of the landfill shall be constructed with provisions for slope stability and subsequently maintained to comply with the landfill's approved closure/post-closure plan.

8. Final cover at the landfill shall be constructed and installed in accordance with the landfill's approved closure/post-closure plan.

9. The department may approve the use of an alternative final cover system provided that the owner/operator can demonstrate to the department that the alternative design will be at least equivalent to the final cover system described in this rule.

10. Borrow areas shall be reclaimed in accordance with the approved plans.

11. Vegetation shall be established within one (1) year or other schedule approved by the department and maintained and re-established as necessary to achieve greater than eighty percent (80%) coverage to protect the landfill final cover and prevent surface water infiltration.

(18) Compaction.

(A) In order to conserve sanitary, demolition, or special waste landfill site capacity, thereby preserving land resources and minimizing moisture infiltration and settlement, solid waste and cover shall be compacted to the smallest practicable volume.

(B) The size of the working face shall be kept to a minimum.

(C) Equipment shall be maintained on site or readily available to ensure uninterrupted operations.

(19) Safety. The sanitary, demolition, or special waste landfill shall be designed, constructed, and operated to protect the health and safety of landfill personnel and the public.

(A) The landfill's operating plan shall include provisions to control access to and traffic on to the landfill in a manner that is compatible with the surrounding land use.

(B) Provisions shall be included in the plans to control dust, address emergency situations, and promote orderly operations. These provisions shall be revised as necessary to keep them up-to-date and relevant to the current landfill operations.

(C) Scavenging is prohibited at all times at the landfill.



(D) The landfill owner/operator shall employ dust control provisions as necessary for safety purposes and to prevent a nuisance to the surrounding area.

(E) Adequate communications equipment shall be available for use by landfill personnel.

(F) The landfill owner/operator shall prepare a plan of procedures to implement in the event of emergencies that occur at the landfill, including but not limited to, slope failure or firefighting. The owner/operator shall make the plan available to landfill personnel to provide them with the appropriate emergency contact information and delegation of authority to implement during each such emergency event.

(G) A fire extinguisher shall be provided on all waste handling equipment.

(H) A hot load area shall be established to contain loads that arrive with hotspots or open flames.

(I) Any fires discovered in wastes delivered to the landfill shall be extinguished away from the working face, whenever possible.

(J) Any surface fire discovered at the working face or subsurface fire, oxidation, or smoldering event shall be extinguished immediately; the landfill owner/operator shall notify the department as soon as it has been discovered.

(20) Records.

(A) The owner/operator of a landfill shall maintain records and monitoring data as specified by the department and file appropriate documents with the county recorder(s) of deeds.

1. The landfill owner/operator shall describe the methods for creating and maintaining records of operations and monitoring at the landfill.

2. Current records shall be maintained at the landfill office. Records five (5) years old or older may be stored electronically or off-site at an alternate site if approved by the department; such records must be made available to the department upon request.

3. The landfill files may be maintained on electronic media and shall include the following records, at a minimum:

A. Copies of approved permit documents and current permits;

B. Major operational problems, complaints, or difficulties; and any corrective actions taken;

C. Gas monitoring results from monitoring and any corrective action plans being implemented;

D. Any demonstration, certification, finding, monitoring, testing, or analytical data;

E. Housekeeping records to summarize efforts taken for vector, dust, odor, and litter control;

F. Quantitative measurements of the solid waste handled and an estimate of the air space left at the facility. By January 31st, on even numbered years the owner/operator shall submit to the department two (2) copies of a topographic map prepared during the previous calendar year, prepared under the direction of a land surveyor or by aerial photography, showing the current horizontal and vertical boundaries of solid waste in the landfill, the boundaries of the landfill and a form provided by the department listing airspace filled in the preceding period;

G. Description, source, and volume of special wastes that are received;

H. Any landfill design documentation for recirculation of leachate or gas condensate in a landfill, as applicable;

I. Closure and post-closure care plans and any associated monitoring, testing, or analytical data;

J. Most recently approved cost estimates and financial assurance documentation;

K. Inspection records and training procedures including screening for excluded wastes;

L. Records associated with tonnage fee; and

M. On or before January 31 of each calendar year and annually thereafter each solid waste disposal area shall submit a report to

the department specifying the amount of solid waste received for disposal from states other than Missouri.

(B) Once a landfill ceases accepting waste, the landfill owner shall record the existence of the landfill with the recorder(s) of deeds in the county(ies) where the landfill is located. The owner may request permission from the department to remove the notation from the deed if all wastes are removed from the landfill.

1. After the landfill ceases accepting waste, the owner/operator shall obtain a land surveyor to prepare a survey and plat meeting the requirements of the current Minimum Standards of Property Boundary Survey 2 CSR 90 and a detailed description of the landfill. The survey plat and detailed description, at a minimum, shall contain the following information:

A. The name of the property owner as it appears on the property deed;

B. The detailed description of the property;

C. The general types and location of the solid wastes and the depth(s) of fill within the property;

D. The location of any leachate collection system, gas collection and control system, and existing gas, surface water, groundwater monitoring system(s) which shall be maintained after closure, and the length of time that these systems are to be maintained; and

E. The permitted name and permit number(s) of the landfill.

2. The owner shall—

A. Submit to and obtain approval from the department of the survey plat and detailed description;

B. Have the approved plat notarized by a lawful notary public;

C. File the approved survey plat and detailed description with the county recorder(s) of deeds within thirty (30) days of departmental approval; and

D. Submit to the department within thirty (30) days of the date of filing, two (2) copies of the notarized and properly recorded plat and detailed description showing the recorder(s) of deeds' seal(s) or stamp(s), the book and page numbers, and the date of filing.

(21) Bioreactor Permits and Bioreactor Permit Modifications for Sanitary Landfills.

(A) The department may issue a permit or a permit modification to allow an owner/operator to design, construct, and operate a sanitary landfill as a bioreactor (bioreactor permit), utilizing innovative and new designs and/or operations which vary from specific criteria listed in this rule, provided the landfill systems are designed and operated in a manner protective of human health and the environment.

(B) For a proposed bioreactor at a new sanitary landfill, the design plans shall address all elements of landfill design, construction, and operation outlined in this rule, with special consideration for the effects of increased moisture content of the waste mass.

(C) For a proposed bioreactor at an existing sanitary landfill, the design plans shall include an assessment of all previously approved aspects of design, construction, and operation. Sanitary landfill systems and components shall be redesigned, construction procedures shall be developed, and all operating, monitoring, and quality control plans shall be revised, as necessary, with special consideration for bioreactor operations and the effects of increased moisture content of the waste mass.

(D) In addition, each bioreactor permit application shall include—

1. An explanation of the objectives of the research, development, and demonstration project;

2. Detailed explanations of the methods and procedures that will be used to add liquids, if applicable;

3. Detailed water balance calculations;

4. Detailed construction QA/QC procedures for all liquids addition systems;

5. A detailed operating and maintenance plan prepared as an addendum to the landfill's operating manual which includes:

A. Operating procedures for all bioreactor systems and other

systems whose operation could be affected by the increased moisture, including, but not limited to:

- (I) All liquids addition systems;
- (II) Leachate management systems; and
- (III) Landfill gas collection and control systems; and

B. A detailed plan for inspecting all landfill control and monitoring systems and maintaining accurate records of each inspection;

6. Provisions for leak testing of the geomembrane component of the composite liner system following installation; and

7. Facility designs that maintain a depth of leachate of less than one foot (1') on the landfill liner.

## (22) Special Waste Landfills.

(A) Should an owner/operator request to permit a special waste landfill, the owner/operator shall include a list identifying what sections of this rule, and as appropriate 10 CSR 80-2.020, are and are not applicable to the landfill, as well as detailed discussion explaining how that determination was made. For special waste landfills in operation at the time of the effective date of this rule, the facility has until January 31, 2020, to submit a modification stating which parts of this rule are applicable and a detailed discussion explaining the rationale and for excluding certain requirements.

(B) The department may require any special waste landfill owner/operator to design, construct, operate, and maintain the landfill in accordance with any sanitary landfill requirement necessary to ensure the protection of human health and the environment.

## Appendix I—Constituents for Detection Monitoring

### Indicator Constituents

Chemical Oxygen Demand (COD in milligrams per liter (mg/l));  
Chlorides (Cl, (mg/l)) dissolved;  
pH (units);  
Specific Conductance (Conductivity at twenty-five degrees Celsius (25°C) in micromhos per centimeter ( $\mu\text{mho/cm}$ ));  
Total Dissolved Solids (TDS, (mg/l)); and

### Inorganic Constituents

Ammonia (NH<sub>3</sub> as N, mg/l)  
Antimony (Sb,  $\mu\text{g/l}$ )  
Arsenic (As,  $\mu\text{g/l}$ )  
Barium (Ba,  $\mu\text{g/l}$ )  
Beryllium (Be,  $\mu\text{g/l}$ )  
Boron (B,  $\mu\text{g/l}$ )  
Cadmium (Cd,  $\mu\text{g/l}$ )  
Calcium (Ca, mg/l)  
Chromium (Cr,  $\mu\text{g/l}$ )  
Cobalt (Co,  $\mu\text{g/l}$ )  
Copper (Cu,  $\mu\text{g/l}$ )  
Fluoride (F, mg/l)  
Hardness (calculated, mg/l)  
Lead (Pb,  $\mu\text{g/l}$ )  
Magnesium (Mg, mg/l)  
Manganese (Mn,  $\mu\text{g/l}$ )  
Nickel (Ni, mg/l)  
Nitrate/Nitrite (NO<sub>3</sub>/NO<sub>2</sub>, mg/l)  
Phosphorus (total P, mg/l)  
Selenium (Se,  $\mu\text{g/l}$ )  
Silver (Ag,  $\mu\text{g/l}$ )  
Sodium (Na, mg/l)  
Sulfate (SO<sub>4</sub>, mg/l)  
Thallium (Tl,  $\mu\text{g/l}$ )  
Total Organic Carbon (TOC, mg/l)  
Vanadium (V,  $\mu\text{g/l}$ )  
Zinc (Zn,  $\mu\text{g/l}$ )

### Organic Constituents

Acetone

Acrylonitrile  
Benzene  
Bromochloromethane  
Bromodichloromethane  
Bromoform; Tribromomethane  
Carbon disulfide  
Carbon tetrachloride  
Chlorobenzene  
Chloroethane; Ethyl chloride  
Chloroform; Trichloromethane  
Dibromochloromethane; Chlorodibromomethane  
1,2-Dibromo-3-chloropropane; DBCP  
1,2-Dibromoethane; Ethylene dibromide; EDB o-Dichlorobenzene;  
1,2-Dichlorobenzene  
p-Dichlorobenzene; 1,4-Dichlorobenzene trans-1,4-Dichloro-2-butene  
1,1-Dichloroethane; Ethylidene chloride  
1,2-Dichloroethane; Ethylene dichloride  
1,1-Dichloroethylene; 1,1-Dichloroethene;  
Vinylidene chloride  
cis-1,2-Dichloroethylene; cis-1,2-Dichloroethene  
trans-1,2-Dichloroethylene; trans-1,2-Dichloroethene  
1,2-Dichloropropane; Propylene dichloride  
cis-1,3-Dichloropropene  
trans-1,3-Dichloropropene  
Ethylbenzene  
2-Hexanone; Methyl butyl ketone  
Methyl bromide; Bromomethane  
Methyl chloride; Chloromethane  
Methylene bromide; Dibromomethane  
Methylene chloride; Dichloromethane  
Methyl ethyl ketone; MEK; 2-Butanone  
Methyl iodide; Iodomethane  
4-Methyl-2-pentanone; Methyl isobutyl ketone  
Styrene  
1,1,1,2-Tetrachloroethane  
1,1,2,2-Tetrachloroethane  
Tetrachloroethylene; Tetrachloroethene;  
Perchloroethylene  
Toluene  
1,1,1-Trichloroethane; Methylchloroform  
1,1,2-Trichloroethane  
Trichloroethylene; Trichloroethene  
Trichlorofluoromethane; CFC-11  
1,2,3-Trichloropropane  
Vinyl acetate  
Vinyl chloride  
Xylenes

## Appendix II—List of Hazardous Inorganic and Organic Constituents<sup>1</sup>

Common Name <sup>2</sup>	CAS RN <sup>3</sup>
Acenaphthene	83-32-9
Acenaphthylene	208-96-8
Acetone	67-64-1
Acetonitrile; Methyl cyanide	75-05-8
Acetophenone	98-86-2
2-Acetylaminofluorene; 2-AAF	53-96-3
Acrolein	107-02-8
Acrylonitrile	107-13-1
Aldrin	309-00-2
Allyl chloride	107-05-1
4-Aminobiphenyl	192-67-1
Anthracene	120-12-7
Antimony	(Total)
Arsenic	(Total)
Barium	(Total)

Benzene	71-43-2	1,3-Dichlorobenzene	541-73-1
Benzo[a]anthracene; Benzanthracene	56-55-3	p-Dichlorobenzene;	
Benzo[b]fluoranthene	205-99-2	1,4-Dichlorobenzene	106-46-7
Benzo[k]fluoranthene	207-08-9	3,3'-Dichlorobenzidine	91-94-1
Benzo[ghi]perylene	191-24-2	trans-1,4-Dichloro-2-butene	110-57-6
Benzo[a]pylene	50-32-8	Dichlorodifluoromethane; CFC 12;	75-71-8
Benzyl alcohol	100-51-6	1,1-Dichloroethane; Ethyldidene	
Beryllium	(Total)	chloride	75-34-3
alpha-BHC	319-84-6	1,2-Dichloroethane; Ethylene	
beta-BHC	319-85-7	dichloride	107-06-2
delta-BHC	319-86-8	1,1-Dichloroethylene;	
gamma-BHC; Lindane	58-89-9	1,1-Dichloroethene; Vinylidene	
Bis(2-chloroethoxy)methane	111-91-1	chloride	75-35-4
Bis(2-chloroethyl) ether;	111-44-4	cis-1,2-Dichloroethylene;	
Dichloroethyl ether		cis-1,2-Dichloroethene	156-59-2
Bis(2-chloro-1-methylethyl) ether;	108-60-1	trans-1,2-Dichloroethylene	
2,2'-Dichlorodiisopropyl ether;		trans-1,2-Dichloroethene	156-60-5
DCIP	See Note 3	2,4-Dichlorophenol	120-83-2
Bis(2-ethylhexyl) phthalate	117-81-7	2,6-Dichlorophenol	87-65-0
Bromochloromethane;		1,2-Dichloropropane;	
Chlorobromomethane	74-97-5	Propylene dichloride	78-87-5
Bromodichloromethane;		1,3-Dichloropropane;	
Dibromochloromethane	75-27-4	Trimethylene dichloride	142-28-9
Bromoform; Tribromomethane	75-25-2	2,2-Dichloropropane;	
4-Bromophenylphenyl ether	101-55-3	Isopropylidene chloride	594-20-7
Butyl benzyl phthalate;		1,1-Dichloropropene	563-58-6
Benzyl butyl phthalate	85-68-7	cis-1,3-Dichloropropene	10061-01-5
Cadmium	(Total)	trans-1,3-Dichloropropene	10061-02-6
Carbon disulfide	75-15-0	Dieldrin	60-57-1
Carbon tetrachloride	56-23-5	Diethyl phthalate	84-66-2
Chlordane	See Note 4.	O,O-Diethyl O-2-pyrazinyl	
p-Chloroaniline	106-47-8	phosphorothioate; Thionazin	297-97-2
Chlorobenzene	108-90-7	Dimethoate	60-51-5
Chlorobenzilate	510-15-6	p-(Dimethylamino)azobenzen	60-11-7
p-Chloro-m-cresol;		7,12-Dimethylbenz[a]anthracene	57-97-6
4-Chloro-3-methylphenol	59-50-7	3,3'-Dimethylbenzidine	119-93-7
Chloroethane; Ethyl chloride	75-00-3	2,4-Dimethylphenol; m-Xylenol	105-67-9
Chloroform; Trichloromethane	67-66-3	Dimethyl phthalate	131-11-3
2-Chloronaphthalene	91-58-7	m-Dinitrobenzene	99-65-0
2-Chlorophenol	95-57-8	4,6-Dinitro-o-cresol	
4-Chlorophenyl phenyl ether	7005-72-3	4,6-Dinitro-2-methylphenol	534-52-1
Chloroprene	126-99-8	2,4-Dinitrophenol;	51-28-5
Chromium	(Total)	2,4-Dinitrotoluene	121-14-2
Chrysene	218-01-9	2,6-Dinitrotoluene	606-20-2
Cobalt	(Total)	Dinoseb; DNBP;	
Copper	(Total)	2-sec-Butyl-4,6-dinitrophenol	88-85-7
m-Cresol; 3-methylphenol	108-39-4	Di-n-octyl phthalate	117-84-0
o-Cresol; 2-methylphenol	95-48-7	Diphenylamine	122-39-4
p-Cresol; 4-methylphenol	106-44-5	Disulfoton	298-04-4
Cyanide	57-12-5	Endosulfan I	959-98-8
2,4-D; 2,4-Dichlorophenoxyacetic		Endosulfan II	33213-65-9
acid	94-75-7	Endosulfan sulfate	1031-07-8
4,4'-DDD	72-54-8	Endrin	72-20-8
4,4'-DDE	72-55-9	Endrin aldehyde	7421-93-4
4,4'-DDT	50-29-3	Ethylbenzene	100-41-4
Diallate	2303-16-4	Ethyl methacrylate	97-63-2
Dibenz[a,h]anthracene	53-70-3	Ethyl methanesulfonate	62-50-0
Dibenzofuran	132-64-9	Famphur	52-85-7
Dibromochloromethane;		Fluoranthene	206-44-0
Chlorodibromomethane	124-48-1	Fluorene	86-73-79
1,2-Dibromo-		Heptachlor	76-44-8
3-chloropropane;DBCP	96-12-8	Heptachlor epoxide	1024-57-3
1,2-Dibromoethane; Ethylene	106-93-4	Hexachlorobenzene .	118-74-1
dibromide; EDB		Hexachlorobutadiene	87-68-3
Di-n-butyl phthalate	84-74-2	Hexachlorocyclopentadiene	77-47-4
o-Dichlorobenzene;		Hexachloroethane	67-72-1
1,3-Dichlorobenzene	95-50-1	Hexachloropropene	1888-71-7
m-Dichlorobenzene;		2-Hexanone; Methyl butyl ketone	591-78-6

Indeno(1,2,3-cd)pyrene	193-39-5	Sulfide	18496-25-8
Isobutyl alcohol	78-83-1	2,4,5-T;	
Isodrin	465-73-6	2,4,5-Trichlorophenoxyacetic acid	93-76-5
Isophorone	78-59-1	1,2,4,5-Tetrachlorobenzene	95-94-3
Isosafrole	120-58-1	1,1,1,2-Tetrachloroethane	630-20-6
Kepone	143-50-0	1,1,2,2-Tetrachloroethane	79-34-5
Lead	(Total)	Tetrachloroethylene; Tetra-	
Mercury	(Total)	chloroethene; Perchloroethylene	127-18-4
Methacrylonitrile	126-98-7	2,3,4,6-Tetrachlorophenol	58-90-2
Methapyrilene	91-80-5	Thallium	(Total)
Methoxychlor	72-43-5	Tin	(Total)
Methyl bromide; Bromomethane	74-83-9	Toluene	108-88-3
Methyl chloride; Chloromethane	74-87-3	o-Toluidine	95-53-4
3-Methylcholanthrene	56-49-5	Toxaphene	See Note 6.
Methyl ethyl ketone; MEK;		1,2,4-Trichlorobenzene	120-82-1
2-Butanone	78-93-3	1,1,1-Trichloroethane;	
Methyl iodide; Iodomethane	74-88-4	Methylchloroform	71-55-6
Methyl methacrylate	80-62-6	1,1,2-Trichloroethane	79-00-5
Methyl methanesulfonate	66-27-3	Trichloroethylene; Trichloroethene	79-01-6
2-Methylnaphthalene	91-57-6	Trichlorofluoromethane; CFC-11	75-69-4
Methyl parathion; Parathion		2,4,5-Trichlorophenol	95-95-4
methyl	298-00-0	2,4,6-Trichlorophenol	88-06-2
4-Methyl-2-pentanone;		1,2,3-Trichloropropane	96-18-4
Methyl isobutyl ketone	108-10-1	0,0,0-Triethyl phosphorothioate	126-68-1
Methylene bromide; Dibromomethane	74-95-3	sym-Trinitrobenzene	99-35-4
Methylene chloride;		Vanadium	(Total)
Dichloromethane	75-09-2	Vinyl acetate	108-05-4
Naphthalene	91-20-3	Vinyl chloride; Chloroethene	75-01-4
1,4-Naphthoquinone	130-15-4	Xylene (total)	See Note 7.
1-Naphthylamine	134-32-7	Zinc	(Total)
2-Naphthylamine	91-59-8		
Nickel	(Total)		
o-Nitroaniline; 2-Nitroaniline	88-74-4	<b>Appendix III—Constituents for Detection Monitoring for</b>	
m-Nitroaniline; 3-Nitroaniline	99-09-2	<b>Demolition Landfills</b>	
p-Nitroaniline; 4-Nitroaniline	100-01-6	<b>Indicator Constituents</b>	
Nitrobenzene	98-95-3	Aluminum (Al, $\mu\text{g/l}$ )	
o-Nitrophenol; 2-Nitrophenol	88-75-5	Ammonia (NH <sub>3</sub> as N, mg/l)	
p-Nitrophenol; 4-Nitrophenol	100-02-7	Antimony (Sb, $\mu\text{g/l}$ )	
N-Nitrosodi-n-butylamine	924-16-3	Arsenic (As, $\mu\text{g/l}$ )	
N-Nitrosodiethylamine	55-18-5	Barium (Ba, $\mu\text{g/l}$ )	
N-Nitrosodimethylamine	62-75-9	Beryllium (Be, mg/l)	
N-Nitrosodiphenylamine	86-30-6	Boron (B, $\mu\text{g/l}$ )	
N-Nitrosodipropylamine;		Cadmium (Cd, $\mu\text{g/l}$ )	
N-nitroso-N-dipropylamine		Calcium (Ca, mg/l)	
Di-n-propylnitrosamine	621-64-7	Chemical Oxygen Demand (COD, mg/l)	
N-Nitrosomethylethylamine	10595-95-6	Chloride (Cl, mg/l)	
N-Nitrosopiperidine	100-75-4	Chromium (Cr, $\mu\text{g/l}$ )	
N-Nitrosopyrrolidine	930-55-2	Cobalt (Co, $\mu\text{g/l}$ )	
5-Nitro-o-toluidine	99-55-8	Copper (Cu, $\mu\text{g/l}$ )	
Parathion	56-38-2	Fluoride (F, mg/l)	
Pentachlorobenzene	608-93-5	Hardness (calculated, mg/l)	
Pentachloronitrobenzene	82-68-8	Iron (Fe, $\mu\text{g/l}$ )	
Pentachlorophenol	87-86-5	Lead (Pb, $\mu\text{g/l}$ )	
Phenacetin	62-44-2	Magnesium (Mg, mg/l)	
Phenanthrene	85-01-8	Manganese (Mn, $\mu\text{g/l}$ )	
Phenol	108-95-2	Mercury (Hg, $\mu\text{g/l}$ )	
p-Phenylenediamine	106-50-3	Nickel (Ni, mg/l)	
Phorate	298-02-2	pH (units)	
Polychlorinated biphenyls; PCBs;	See Note 5.	Potassium (K, mg/l)	
Arclors		Selenium (Se, $\mu\text{g/l}$ )	
Pronamide	23950-58-5	Silver (Ag, $\mu\text{g/l}$ )	
Propionitrile; Ethyl cyanide	107-12-0	Sodium (Na, mg/l)	
Pyrene	129-00-0	Specific Conductance (Conductivity at 25°C, mho/cm)	
Safrole	94-59-7	Sulfate (SO <sub>4</sub> , mg/l)	
Selenium	(Total)	Thallium (Tl, $\mu\text{g/l}$ )	
Silver	(Total)	Total Dissolved Solids (TDS, mg/l)	
Silvex; 2,4,5-TP	93-72-1	Total Organic Carbon (TOC, mg/l)	
Styrene	100-42-5	Total Organic Halogens (TOX, mg/l)	

Zinc (Zn,  $\mu\text{g/l}$ )

**Appendix IV—Constituents for Assessment Monitoring for  
Demolition Landfills**

**Inorganic Constituents**

Nitrate/Nitrite ( $\text{NO}_3/\text{NO}_2$ ,  $\text{mg/l}$ )

Phosphorus (total P,  $\text{mg/l}$ )

Vanadium (V,  $\mu\text{g/l}$ )

Zinc (Zn,  $\mu\text{g/l}$ )

**Organic Constituents**

Acetone

Acrylonitrile

Benzene

Bromochloromethane

Bromodichloromethane

Bromoform; Tribromomethane

Carbon disulfide

Carbon tetrachloride

Chlorobenzene

Chloroethane; Ethyl chloride

Chloroform; Trichloromethane

Dibromochloromethane; Chlorodibromomethane

1,2-Dibromo-3-chloropropane; DBCP

1,2-Dibromoethane; Ethylene dibromide; EDB

o-Dichlorobenzene; 1,2-Dichlorobenzene

p-Dichlorobenzene; 1,4-Dichlorobenzene

trans-1,4-Dichloro-2-butene

1,1-Dichloroethane; Ethylidene chloride

1,2-Dichloroethane; Ethylene dichloride

1,1-Dichloroethylene; 1,1-Dichloroethene; Vinylidene chloride

cis-1,2-Dichloroethylene;

cis-1,2-Dichloroethene

trans-1,2-Dichloroethylene;

trans-1,2-Dichloroethene

1,2-Dichloropropane; Propylene dichloride

cis-1,3-Dichloropropene

trans-1,3-Dichloropropene

Ethylbenzene

2-Hexanone; Methyl butyl ketone

Methyl bromide; Bromomethane

Methyl chloride; Chloromethane

Methylene bromide; Dibromomethane

Methylene chloride; Dichloromethane

Methyl ethyl ketone; MEK; 2-Butanone

Methyl iodide; Iodomethane

4-Methyl-2-pentanone; Methyl isobutyl ketone

Styrene

1,1,1,2-Tetrachloroethane

1,1,2,2-Tetrachloroethane

Tetrachloroethylene; Tetrachloroethene; Perchloroethylene

Toluene

1,1,1-Trichloroethane; Methylchloroform

1,1,2-Trichloroethane

Trichloroethylene; Trichloroethene

Trichlorofluoromethane; CFC-11

1,2,3-Trichloropropane

Vinyl acetate

Vinyl chloride

Xylenes

**Notes**

1. The regulatory requirements pertain only to the list of substances.

2. Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

3. This substance is often called Bis(2-chloroisopropyl) ether, the name Chemical Abstracts Service applies to its noncommercial isomer, Propane, 2,2'-oxybis, 2-chloro- (CAS RN 39638-32-9).

4. Chlordane: This entry includes alpha-chlordane (CAS RN 5103-71-9), beta-chlordane (CAS RN 5103-74-2), gamma-chlordane (CAS RN 5566-34-7), and constituents of chlordane (CAS RN 57-74-9 and CAS RN 12789-03-6).

5. Polychlorinated biphenyls (CAS RN 1336-36-3); this category contains congener chemicals, including constituents of Aroclor 1016 (CAS RN 12674-11-2), Aroclor 1221 (CAS RN 11104-28-2), Aroclor 1232 (CAS RN 11141-16-5), Aroclor 1242 (CAS RN 53469-21-9), Aroclor 1248 (CAS RN 12672-29-6), Aroclor 1254 (CAS RN 11097-69-1), and Aroclor 1260 (CAS RN 11096-82-5).

6. Toxaphene: This entry includes congener chemicals contained in technical toxaphene (CAS RN 8001-35-2), i.e., chlorinated camphene.

7. Xylene (total): This entry includes o-xylene (CAS RN 96-47-6), m-xylene (CAS RN 108-38-3), p-xylene (CAS RN 106-42-3), and unspecified xylenes (dimethylbenzenes) (CAS RN 1330-20-7).

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 4—Demolition Landfill**

**ORDER OF RULEMAKING**

By the authority vested in the Director of the Department of Natural Resources under section 260.225, RSMo 2016, the director rescinds a rule as follows:

**10 CSR 80-4.010 Design and Operation is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2307-2308). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 10—Division of Finance and Administrative  
Services  
Chapter 4—Abortions**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, Division of Finance and Administrative Services, under sections 11.715 and 11.800, HB 2011, First Regular Session, Ninety-ninth General Assembly, 2018, and sections 208.153, 208.201, and 660.017, RSMo 2016, the division adopts a rule as follows:

**13 CSR 10-4.010 Prohibition Against Expenditure of Appropriated  
Funds for Abortion Facilities is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 15, 2018 (43 MoReg 2462–2464). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Social Services (DSS) received multiple comments from two (2) interested parties regarding the regulation: Missouri Family Health Council and Planned Parenthood. In summary of the various comments, the parties contend that the regulation is in violation of federal law, may have a negative effect on access to Medicaid health care services, and encouraged the Department of Social Services (DSS) to redefine multiple definitions.

**COMMENT #1:** The commenters stated that the regulation prevents access to care for Medicaid participants. They suggest that the regulation impairs participant access to services, such as birth control, cancer screenings, Sexually Transmitted Infection (STI) testing and treatment, and other preventive health care services. They also suggest the regulation disproportionately affects minorities, the LGBTQ+ communities, and people with low incomes, and will impair patient health. One (1) commenter stated without Planned Parenthood, seventeen (17) of Missouri's thirty-four (34) Senate districts will have no providers that offer accessible and comprehensive care.

**RESPONSE:** The DSS is committed to building the capacity of individuals, families, and communities to secure and sustain healthy, safe, and productive lives. The DSS does not agree that diminished access will occur as a result of this regulation. The DSS continually monitors access to health care services for its Medicaid participants. Medicaid participant data is closely monitored to assess the number of participants in each category of assistance. The DSS continually monitors the provider enrollment data to demonstrate the number of providers available in each county. The DSS also monitors utilization of services to analyze access. The DSS analyzed the top ten services billed by Planned Parenthood and compared the same ten services to other providers in the same geographic areas. The DSS determined that of those services 78.8% were provided by five hundred twenty-eight (528) other health care providers to Medicaid participants. This among other data analyzed by the DSS indicates that this regulation will have no negative impact to access to health care for Medicaid participants. The DSS has not made a change to the proposed regulation as a result of this comment.

**COMMENT #2:** The commenters stated that the regulation restricts the ability of patients to receive care from their provider of choice and would also prevent specific facilities, affiliates, or associates from providing such care impacting the state's health care safety net. One (1) commenter stated that the regulation prevents Planned Parenthood from participating in Medicaid and stated that the DSS is in violation of federal law regarding free choice of provider.

**RESPONSE:** The DSS complies with all federal and state laws in the administration of the Title XIX Medicaid program, including the provisions regarding free choice of provider. The DSS has not made a change to the proposed regulation as a result of this comment.

**COMMENT #3:** The commenters recommend the definition of "counsels women to have an abortion" should be changed to allow facilities and providers to present comprehensive, factual, and neutral information about all pregnancy options, including abortion, to patients and to include a clarifying definition of referral that provides contact information for referrals for all options in a neutral manner. They also recommend the DSS change the definitions of 'affiliate' and 'associate' to allow providers who do not share the same facilities, financial reimbursement and expenses, equipment, and employees the ability to participate in Medicaid.

**RESPONSE:** The DSS is not changing the definitions in the pro-

posed regulation as a result of this comment.

**COMMENT #4:** One (1) commenter suggested that the DSS does not have authority to promulgate the regulation because the underlying appropriation bill is unconstitutional as it violates the single subject rule and impermissibly legislates through the budget process. The commenter also alleges that the regulation is unconstitutional because withholding public funding punishes providers for constitutionally protected activity.

**RESPONSE:** The DSS has the statutory authority to adopt, amend, and promulgate rules necessary to carry out the duties of the programs it administers. The DSS disagrees with the commenter's claims. Article III, Section 23 of the *Missouri Constitution*, expressly excludes appropriation bills from the single subject clause. Further, the DSS does not agree that the regulation leverages funding to regulate constitutionally protected activity. The regulation implements the General Assembly's legitimate interest in defining the limits of government spending to ensure state funds are not expended to subsidize abortion facilities or their affiliates and associates. The DSS has not made a change to the proposed amendment as a result of this comment.

### **Title 13—DEPARTMENT OF SOCIAL SERVICES Division 65—Missouri Medicaid Audit and Compliance Chapter 3—Participant and Provider Procedure**

#### **ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, Missouri Medicaid Audit and Compliance Unit under sections 208.201 and 660.017, RSMo 2016, the division adopts a rule as follows:

13 CSR 65-3.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2018 (43 MoReg 2555–2556). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Department of Social Services, Missouri Medicaid Audit and Compliance Unit received two (2) comments from one (1) interested party on the proposed rule.

**COMMENT #1:** The Missouri State Medical Association (MSMA) requested that DSS allow physicians selected by the participant or Missouri Medicaid Audit and Compliance (MMAC) if the participant fails to make a selection be allowed the opportunity to decline to be the participant's sole treating physician for the lock-in period.

**RESPONSE:** Section (6) of the rule states that the participant may not select a single physician if the single physician declines to serve as the participant's single physician. No changes have been made to the rule as a result of this comment.

**COMMENT #2:** MSMA requested that DSS include precise definitions of the terms "MMAC approved physician" and "MMAC approved pharmacy" in the definition section of the rule.

**RESPONSE AND EXPLANATION OF CHANGE:** Definitions "MMAC approved physician" and "MMAC approved pharmacy" will be added to section (1).

#### **13 CSR 65-3.010 Participant Lock-In Program**

(1) Definitions applicable to the administration of this program are as follows:

(F) "MMAC approved pharmacy" means a licensed pharmacy that

is currently enrolled with MO HealthNet and is not currently sanctioned or under investigation by any federal or state authority.

(G) “MMAC approved physician” means a licensed physician that is currently enrolled with MO HealthNet and is not currently sanctioned or under investigation by any federal or state authority.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 70—Safe at Home: Address Confidentiality  
Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo 2016, the secretary amends a rule as follows:

**15 CSR 30-70.010 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2869–2870). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 70—Safe at Home: Address Confidentiality  
Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo 2016, the secretary amends a rule as follows:

**15 CSR 30-70.020 Application Assistant Training, Registration,  
and Renewal is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2870). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 70—Safe at Home: Address Confidentiality  
Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo 2016, the secretary amends a rule as follows:

**15 CSR 30-70.030 Program Participant Application and  
Certification Process is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2870–2871). No changes have been made in the text

of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 70—Safe at Home: Address Confidentiality  
Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo 2016, the secretary amends a rule as follows:

**15 CSR 30-70.040 Cancellation of Program Certification  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2871–2872). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 70—Safe at Home: Address Confidentiality  
Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo 2016, the secretary amends a rule as follows:

**15 CSR 30-70.050 Exercise of Program Participant’s Privileges  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2872). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 70—Safe at Home: Address Confidentiality  
Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo 2016, the secretary amends a rule as follows:

**15 CSR 30-70.060 Service of Process is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2872). No changes have been made in the text of

the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 70—Safe at Home: Address Confidentiality Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo 2016, the secretary amends a rule as follows:

**15 CSR 30-70.070 Program Participant Renewal is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2872-2873). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 70—Safe at Home: Address Confidentiality Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo 2016, the secretary amends a rule as follows:

**15 CSR 30-70.080 Agency Disclosure Request is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2873). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 70—Safe at Home: Address Confidentiality Program**

**ORDER OF RULEMAKING**

By the authority vested in the secretary of state under section 589.681, RSMo 2016, the secretary amends a rule as follows:

**15 CSR 30-70.090 Disclosure to Law Enforcement is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2873-2874). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publica-

tion in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,**  
**FINANCIAL INSTITUTIONS AND PROFESSIONAL**  
**REGISTRATION**  
**Division 2040—Office of Athletics**  
**Chapter 2—Licenses and Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

**20 CSR 2040-2.011 Licenses is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2878-2882). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,**  
**FINANCIAL INSTITUTIONS AND PROFESSIONAL**  
**REGISTRATION**  
**Division 2040—Office of Athletics**  
**Chapter 2—Licenses and Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Office of Athletics under section 317.006, RSMo Supp. 2018, the office amends a rule as follows:

**20 CSR 2040-2.021 Permits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2883-2885). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,**  
**FINANCIAL INSTITUTIONS AND PROFESSIONAL**  
**REGISTRATION**  
**Division 2110—Missouri Dental Board**  
**Chapter 1—Organization and Description of Board**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under section 332.031, RSMo 2016, the board amends a rule as follows:

**20 CSR 2110-1.010 General Organization is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2886). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed



amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2110—Missouri Dental Board  
Chapter 1—Organization and Description of Board**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under section 332.031, RSMo 2016, the board amends a rule as follows:

**20 CSR 2110-1.020 Board Compensation is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2886). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2110—Missouri Dental Board  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under section 332.031, RSMo 2016, the board amends a rule as follows:

**20 CSR 2110-2.131 Definition of a Public Health Setting  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2886-2887). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2110—Missouri Dental Board  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under section 332.031, RSMo 2016, the board amends a rule as follows:

**20 CSR 2110-2.170 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1,

2018 (43 MoReg 2887-2889). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 5—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Registration for the Healing Arts under section 334.125, RSMo 2016, the board amends a rule as follows:

**20 CSR 2150-5.025 Administration of Vaccines Per Protocol  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2890-2892). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2210—State Board of Optometry  
Chapter 1—Organization and Description of Board**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Optometry under section 336.150, RSMo 2016, the board amends a rule as follows:

**20 CSR 2210-1.010 General Organization is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2892-2893). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2210—State Board of Optometry  
Chapter 1—Organization and Description of Board**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Optometry under section 336.150, RSMo 2016, the board amends a rule as follows:

**20 CSR 2210-1.020 Board Member Compensation is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2893). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Optometry under section 336.150, RSMo 2016, the board amends a rule as follows:

**20 CSR 2210-2.011 Licensure by Endorsement is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2893). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Optometry under section 336.150, RSMo 2016, the board amends a rule as follows:

**20 CSR 2210-2.030 License Renewal is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2893-2895). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2210—State Board of Optometry  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Optometry under section 336.150, RSMo 2016, the board amends a rule as follows:

**20 CSR 2210-2.060 Professional Conduct Rules is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2895-2896). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2220—State Board of Pharmacy  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under section 338.140, RSMo 2016, the board amends a rule as follows:

**20 CSR 2220-2.200 Sterile Compounding is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2018 (43 MoReg 2896-2897). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**IN ADDITION**

**3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits**

As a matter of public information, the following dates and bag limits shall apply to turkey hunting seasons for 2019. These are based on the formula for season dates set out in subsections (1)(A), (1)(B) and (1)(D) of this rule in the *Code of State Regulations*, and actions of the Conservation Commission on December 14, 2018, to annually establish the season length and bag limit of the spring, fall, and youth hunting seasons.

The 2019 spring turkey hunting season will be twenty-one (21) days in length (April 15–May 5, 2019). A person possessing the prescribed turkey hunting permit may take two (2) male turkeys or turkeys with a visible beard during the season; provided, only one (1) turkey may be taken the first seven (7) days of the season (April 15–April 21, 2019) and only one (1) turkey may be taken per day from April 22–May 5, 2019. Shooting hours: one-half (1/2) hour before sunrise to 1:00 p.m., Central Daylight Saving Time.

Youth Spring Season Dates: April 6–7, 2019. One male turkey or turkey with a visible beard may be taken during this season. Shooting hours: one-half (1/2) hour before sunrise to sunset, Central Daylight Saving Time. (Opening date for the youth spring turkey hunting season is set in the *Wildlife Code* as the Saturday nine (9) days prior to the Monday opening of the spring turkey hunting season, except that when the youth season would overlap with Easter, the season will open on the Saturday prior to Easter weekend.)

The 2019 fall turkey hunting season will be thirty-one (31) days in length (October 1–October 31, 2019). Two turkeys of either sex may be taken during the season. Shooting hours: one-half (1/2) hour before sunrise to sunset, Central Daylight Saving Time.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES**

**Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:  
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for March 4, 2019. These applications are available for public inspection at the address shown below.

**Date Filed**

**Project Number:** Project Name  
City (County)  
Cost, Description

**12/20/2018**

**#5664 RS:** Family Partners Ballwin  
Ballwin (St. Louis County)  
\$2,935,085, Establish 24-bed ALF

**#5662 HS:** Cox Medical Centers Branson  
Branson (Taney County)  
\$1,119,479, Replace MRI unit

**#5668 HS:** Cox Monett Hospital  
Monett (Barry County)  
\$44,803,200, Replace 25-bed hospital

**12/21/2018**

**#5666 RS:** Vantage Pointe at Adworth Drive  
Mehlville (St. Louis County)  
\$14,553,243, Establish 71-bed ALF

**#5665 RS:** Springhouse Village East  
Springfield (Greene County)  
\$2,125,550, Add 15 ALF beds

**5670 HS:** Mercy Hospital Joplin  
Joplin (Newton County)  
\$2,277,830, Replace existing Robotic Surgery System

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by January 25, 2019. All written requests and comments should be sent to—

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
3418 Knipp Drive, Suite F  
PO Box 570  
Jefferson City, MO 65102  
For additional information contact Karla Houchins at [karla.houchins@health.mo.gov](mailto:karla.houchins@health.mo.gov).

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2016, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [adrules.dissolutions@sos.mo.gov](mailto:adrules.dissolutions@sos.mo.gov).

## NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST MANCHESTER SERVICES, INC.

Notice is hereby given that MANCHESTER SERVICES, INC., a Missouri corporation, duly incorporated by the Missouri Secretary of State on the 21st day of January, 2005 (the "Corporation") has filed with the Missouri Secretary of State Articles of Dissolution effective as of the 4<sup>th</sup> day of December, 2018. Any person, persons, corporations or other business entities having claims against the Corporation must file the same by stating: a) name; b) address; c) current phone number; d) basis of the claim; and e) documentation of the claim within two (2) years from the date of this Notice. The information must be mailed to the corporation at 14530 NW 63<sup>rd</sup> St, Parkville, Missouri 64152-8703.

Any claim against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this Notice.

## NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST PHOBIA, LLC

On December 5<sup>th</sup>, 2018 PHOBIA, LLC a Missouri limited liability company (hereinafter the "Company") filed its Notice of Winding for a limited Liability Company with the Missouri Secretary of State.

Any Claims against the Company may be Sent to: TRG Consulting, LLC 3159 Fee Fee Road Ste. 221 Bridgeton MO, 63044.

Each Claim must include:

1. Name
2. Address and Phone Number
3. Amount
4. Date on which Claim Arose
5. Basis for the Claim
6. Supporting documentation of the Claim

All Claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS AND CLAIMANTS AGAINST  
5034 Pernod, LLC**

On December 5<sup>th</sup>, 2018 5034 Pernod, LLC a Missouri limited liability company (hereinafter the "Company") filed its Notice of Winding for a limited Liability Company with the Missouri Secretary of State.

Any Claims against the Company may be Sent to: TRG Consulting, LLC 3159 Fee Fee Road Ste. 221 Bridgeton MO, 63044.

Each Claim must include:

1. Name
2. Address and Phone Number
3. Amount
4. Date on which Claim Arose
5. Basis for the Claim
6. Supporting documentation of the Claim

All Claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS AND CLAIMANTS AGAINST  
1335 Convention, LLC**

On December 5<sup>th</sup>, 2018 1335 Convention, LLC a Missouri limited liability company (hereinafter the "Company") filed its Notice of Winding for a limited Liability Company with the Missouri Secretary of State.

Any Claims against the Company may be Sent to: TRG Consulting, LLC 3159 Fee Fee Road Ste. 221 Bridgeton MO, 63044.

Each Claim must include:

1. Name
2. Address and Phone Number
3. Amount
4. Date on which Claim Arose
5. Basis for the Claim
6. Supporting documentation of the Claim

All Claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS AND CLAIMANTS AGAINST  
Wave Taco, LLC**

On December 5<sup>th</sup>, 2018 Wave Taco, LLC a Missouri limited liability company (hereinafter the "Company") filed its Notice of Winding for a limited Liability Company with the Missouri Secretary of State.

Any Claims against the Company may be Sent to: TRG Consulting, LLC 3159 Fee Fee Road Ste. 221 Bridgeton MO, 63044.

Each Claim must include:

1. Name
2. Address and Phone Number
3. Amount
4. Date on which Claim Arose
5. Basis for the Claim
6. Supporting documentation of the Claim

All Claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY  
TO ALL CREDITORS AND CLAIMANTS AGAINST  
LAUREL HOTEL MASTER TENANT, LLC**

Laurel Hotel Master Tenant, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on November 29, 2018. Any and all claims against Laurel Hotel Master Tenant, LLC may be sent to Brian J. Beck, 7733 Forsyth Blvd., Suite 400, Clayton, MO 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against Laurel Hotel Master Tenant, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY  
TO ALL CREDITORS AND CLAIMANTS AGAINST  
LAUREL HOTEL MANAGER, LLC**

Laurel Hotel Manager, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on November 29, 2018. Any and all claims against Laurel Hotel Manager, LLC may be sent to Brian J. Beck, 7733 Forsyth Blvd., Suite 400, Clayton, MO 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against Laurel Hotel Manager, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

**NOTICE OF WINDING UP  
TO ALL CREDITORS AND CLAIMANTS AGAINST  
LAUREL APARTMENTS MASTER TENANT, LLC**

Laurel Apartments Master Tenant, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on November 29, 2018. Any and all claims against Laurel Apartments Master Tenant, LLC may be sent to Brian J. Beck, 7733 Forsyth Blvd., Suite 400, Clayton, MO 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against Laurel Apartments Master Tenant, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

**NOTICE OF CORPORATE DISSOLUTION  
TO ALL CREDITORS AND  
CLAIMANTS AGAINST  
FIRST BANC INSURANCE SERVICES CORPORATION**

On October 16, 2018, FIRST BANC INSURANCE SERVICES CORPORATION, a Missouri corporation, filed its Articles of Dissolution by Voluntary Action with the Secretary of State of Missouri, effective on October 16, 2018.

Any claims against FIRST BANC INSURANCE SERVICES CORPORATION may be sent to: Legal Department, 11901 Olive Blvd., Suite 212, Creve Coeur, Missouri 63141. Each claim must include the following information: name, address and telephone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation supporting the claim.

Each claim will be barred unless a proceeding to enforce it is commenced within two (2) years after publication of this notice.

<b>NOTICE OF DISSOLUTION OF CORPORATION</b>
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**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
SUBDIVISION FEE COLLECTORS, INC., a Missouri corporation.**

On December 7, 2018, Subdivision Fee Collectors, Inc., a Missouri corporation (the "Corporation"), filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on December 7, 2018.

The Corporation requests that all persons and organizations who have claims against it present them immediately by letter to the Corporation to the attention of Vincent J. Garozzo c/o Greensfelder, Hemker & Gale, P.C., 10 S. Broadway, Suite 2000, St. Louis, MO 63102.

All claims must include (i) the name and address of the claimant; (ii) the amount claimed; (iii) the basis for the claim; (iv) the date(s) on which the event(s) on which the claim is based occurred, and (v) any other documentation of the claim.

**NOTICE: Because of the dissolution of the Corporation, any claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication date of this notice.**



**Notice of Corporate Dissolution  
To All Creditors of and  
Claimants Against  
Random App, Inc.,  
a Missouri corporation**

On December 10, 2018, Random App, Inc., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on December 10, 2018.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

Random App, Inc.  
David P. Weiss, Esq.  
Sandberg Phoenix & von Gontard P.C.  
600 Washington Avenue, 15<sup>th</sup> Floor  
St. Louis, MO 63101

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; copies of any documents or instruments upon which the claim arises, and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of Random App, Inc., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL  
CREDITORS OF AND CLAIMANTS AGAINST C & D AUTO AND MUFFLER LLC**

On December 6, 2018, C & D Auto and Muffler LLC, a Missouri limited liability company (the "Company") filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Kyle Harmon, Lowther Johnson Attorneys at Law, LLC, 901 E St. Louis St, 20th Floor, Springfield, MO 65806. Each claim must include the following information: name, address, and phone number of the claimant; amount claimed; date on which the claim arose; the basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after publication of this notice.

**NOTICE OF WINDING UP  
TO ALL CREDITORS AND CLAIMANTS AGAINST  
MAXSON-SPA BUILDING LLC**

Maxson-Spa Building LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on December 11, 2018. Any and all claims against Maxson-Spa Building LLC may be sent to Rosenblum Goldenhersh, P.C., c/o David S. Lang, Esq., 7733 Forsyth Blvd., 4<sup>th</sup> Floor, St. Louis, MO 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against Maxson-Spa Building LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.



Notice of Dissolution of  
Limited Liability Company  
To All Creditors of and  
Claimants Against

**BORGER FAMILY FARM LLC**

On December 14, 2018, BORGER FAMILY FARM LLC, a Missouri LLC (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. Claims against the Company shall be mailed to Denker Law Firm LLC, 229 SE Douglas, Ste 210, Lee's Summit, MO 64063. Claims must include: the name, address and phone number of the claimant; the amount being claimed; the date on which the claim arose; the basis for the claim; and all documentation to support the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the last publication of the notice.

**NOTICE OF DISSOLUTION**  
**TO ALL CREDITORS OF AND CLAIMANTS AGAINST**  
**CALAAC, INC.**

On November 29, 2018, CALAAC, INC., a Missouri corporation, filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to: James R. Strong, Esq., Husch Blackwell LLP, 190 Carondelet Plaza, Suite 600, St. Louis, MO 63105. All claims must include the claimant's name, address and telephone number, the amount, date and basis for the claim.

NOTICE: BECAUSE OF THE DISSOLUTION OF CALAAC, INC., ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE PUBLICATION OF THE THREE NOTICES AUTHORIZED BY STATUTE, WHICHEVER IS PUBLISHED LAST.

**NOTICE OF WINDING UP AND DISSOLUTION OF LIMITED LIABILITY  
COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST**  
**HAWKEYE REAL ESTATE HOLDING, L.L.C.**

On December 5, 2018, Hawkeye Real Estate Holding, L.L.C., a Missouri limited liability company (the "Company"), filed its Notice of Winding Up and Articles of Termination of the Company with the Missouri Secretary of State to be effective December 5, 2018. The Company requests that all persons and organizations who have claims against the Company present them immediately by letter to Adam J. Marquart, Attorney, c/o Summers Compton Wells LLC, 8909 Ladue Road, St. Louis, MO 63124. All claims must include the name and address of the claimant, the amount claimed, the basis for and a description of the claim, and include copies of any supporting documentation. Any and all claims against the Company will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST SERENDIPITY GALLERY LLC**

Serendipity Gallery LLC, a Missouri limited liability company (the "Company"), was dissolved on December 9, 2018 by filing a Notice of Winding Up with the Missouri Secretary of State.

The Company requests that all persons and entities with claims against the Company present them in writing and by mail to Lisa A. Houdyshell, 8124 General Sheridan Lane, St. Louis, MO 63123.

Each claim must include:

1. The name, address, and telephone number of the claimant;
2. The amount of the claim;
3. The basis of the claim;
4. The date the claim arose; and
5. Documentation of the claim.

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

## Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—43 (2018) and 44 (2019). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	<b>OFFICE OF ADMINISTRATION</b> State Officials' Salary Compensation Schedule				42 MoReg 1849 43 MoReg 3648
1 CSR 10-3.010	Commissioner of Administration		43 MoReg 3205		
1 CSR 10-4.010	Commissioner of Administration		43 MoReg 3208R		
1 CSR 10-5.010	Commissioner of Administration		43 MoReg 3208		
1 CSR 10-7.010	Commissioner of Administration		43 MoReg 3209		
1 CSR 10-8.010	Commissioner of Administration		43 MoReg 3210		
1 CSR 10-9.010	Commissioner of Administration		43 MoReg 3210R		
1 CSR 10-11.010	Commissioner of Administration		43 MoReg 3211		
1 CSR 10-11.020	Commissioner of Administration		43 MoReg 3214R		
1 CSR 10-11.030	Commissioner of Administration		43 MoReg 3214R		
1 CSR 10-13.010	Commissioner of Administration		43 MoReg 3214R		
1 CSR 10-16.010	Commissioner of Administration		43 MoReg 3215		
1 CSR 10-18.010	Commissioner of Administration		43 MoReg 2975R	This IssueR	
1 CSR 20-1.010	Personnel Advisory Board and Division of Personnel	43 MoReg 2735	43 MoReg 2782	This Issue	
1 CSR 20-1.020	Personnel Advisory Board and Division of Personnel	43 MoReg 2736	43 MoReg 2783	This Issue	
1 CSR 20-1.030	Personnel Advisory Board and Division of Personnel		43 MoReg 2787R	This IssueR	
1 CSR 20-1.040	Personnel Advisory Board and Division of Personnel	43 MoReg 2740	43 MoReg 2787	This Issue	
1 CSR 20-1.045	Personnel Advisory Board and Division of Personnel	43 MoReg 2741	43 MoReg 2788	This Issue	
1 CSR 20-1.050	Personnel Advisory Board and Division of Personnel		43 MoReg 2790R	This IssueR	
1 CSR 20-2.010	Personnel Advisory Board and Division of Personnel	43 MoReg 2742	43 MoReg 2790	This Issue	
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel	43 MoReg 2744	43 MoReg 2791	This Issue	
1 CSR 20-2.020	Personnel Advisory Board and Division of Personnel	43 MoReg 2747	43 MoReg 2795	This Issue	
1 CSR 20-3.010	Personnel Advisory Board and Division of Personnel	43 MoReg 2749	43 MoReg 2797	This Issue	
1 CSR 20-3.020	Personnel Advisory Board and Division of Personnel	43 MoReg 2753	43 MoReg 2800	This Issue	
1 CSR 20-3.030	Personnel Advisory Board and Division of Personnel	43 MoReg 2754	43 MoReg 2802	This Issue	
1 CSR 20-3.040	Personnel Advisory Board and Division of Personnel	43 MoReg 2757	43 MoReg 2805	This Issue	
1 CSR 20-3.050	Personnel Advisory Board and Division of Personnel	43 MoReg 2758R	43 MoReg 2806R	This IssueR	
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel	43 MoReg 2759	43 MoReg 2806	This Issue	
1 CSR 20-3.080	Personnel Advisory Board and Division of Personnel	43 MoReg 2763	43 MoReg 2810	This Issue	
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel	43 MoReg 2764R	43 MoReg 2811R	This IssueR	
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel	43 MoReg 2764	43 MoReg 2811	This Issue	
1 CSR 30-2.020	Division of Facilities Management, Design and Construction		43 MoReg 2813R		
1 CSR 30-2.030	Division of Facilities Management, Design and Construction		43 MoReg 2813R		
1 CSR 30-2.040	Division of Facilities Management, Design and Construction		43 MoReg 2813R		
1 CSR 30-2.050	Division of Facilities Management, Design and Construction		43 MoReg 2814R		
1 CSR 30-3.010	Division of Facilities Management, Design and Construction		43 MoReg 2814R		
1 CSR 30-3.020	Division of Facilities Management, Design and Construction		43 MoReg 2814R		
1 CSR 30-3.025	Division of Facilities Management, Design and Construction		44 MoReg 38		
1 CSR 30-3.030	Division of Facilities Management, Design and Construction		43 MoReg 3215		
1 CSR 30-3.035	Division of Facilities Management, Design and Construction		43 MoReg 2814R		
1 CSR 30-3.040	Division of Facilities Management, Design and Construction		43 MoReg 3218		
1 CSR 30-3.050	Division of Facilities Management, Design and Construction		43 MoReg 3221		
1 CSR 30-3.060	Division of Facilities Management, Design and Construction		44 MoReg 45R		
1 CSR 30-4.010	Division of Facilities Management, Design and Construction		43 MoReg 2815R		
1 CSR 30-4.020	Division of Facilities Management, Design and Construction		44 MoReg 45		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 30-4.030	Division of Facilities Management, Design and Construction		44 MoReg 49R		
1 CSR 30-4.040	Division of Facilities Management, Design and Construction		44 MoReg 49R		
1 CSR 35-1.050	Division of Facilities Management		43 MoReg 3222		
1 CSR 35-2.010	Division of Facilities Management		44 MoReg 50R		
1 CSR 35-2.020	Division of Facilities Management		44 MoReg 50R		
1 CSR 35-2.030	Division of Facilities Management		44 MoReg 50		
1 CSR 35-2.040	Division of Facilities Management		44 MoReg 52R		
1 CSR 35-2.050	Division of Facilities Management		44 MoReg 52R		
1 CSR 40-1.010	Purchasing and Materials Management		43 MoReg 3226R		
1 CSR 40-1.030	Purchasing and Materials Management		43 MoReg 3227R		
1 CSR 40-1.040	Purchasing and Materials Management		43 MoReg 3227R		
1 CSR 40-1.050	Purchasing and Materials Management	43 MoReg 2967	43 MoReg 3227		
1 CSR 40-1.090	Purchasing and Materials Management		43 MoReg 3237R		
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 60-1.010	Grain Inspection and Warehousing		43 MoReg 1419	43 MoReg 3602	
2 CSR 60-2.010	Grain Inspection and Warehousing		43 MoReg 1420R	43 MoReg 3602R	
2 CSR 60-4.016	Grain Inspection and Warehousing		43 MoReg 1420R	43 MoReg 3602R	
2 CSR 60-4.045	Grain Inspection and Warehousing		43 MoReg 1420R	43 MoReg 3602R	
2 CSR 60-4.060	Grain Inspection and Warehousing		43 MoReg 1420R	43 MoReg 3602R	
2 CSR 60-4.070	Grain Inspection and Warehousing		43 MoReg 1421R	43 MoReg 3603R	
2 CSR 60-4.080	Grain Inspection and Warehousing		43 MoReg 1421	43 MoReg 3603	
2 CSR 60-4.090	Grain Inspection and Warehousing		43 MoReg 1421R	43 MoReg 3603R	
2 CSR 60-4.120	Grain Inspection and Warehousing		43 MoReg 1422	43 MoReg 3603	
2 CSR 60-4.130	Grain Inspection and Warehousing		43 MoReg 1422	43 MoReg 3603	
2 CSR 60-4.170	Grain Inspection and Warehousing		43 MoReg 1422	43 MoReg 3603	
2 CSR 60-5.040	Grain Inspection and Warehousing		43 MoReg 1422R	43 MoReg 3604R	
2 CSR 70-1.010	Plant Industries		43 MoReg 1549	43 MoReg 3820	
2 CSR 70-10.080	Plant Industries		43 MoReg 1550	43 MoReg 3820	
2 CSR 70-II.020	Plant Industries		43 MoReg 1554R	43 MoReg 3820R	
2 CSR 70-II.030	Plant Industries		43 MoReg 1554R	43 MoReg 3820R	
2 CSR 70-II.050	Plant Industries		43 MoReg 1555R	43 MoReg 3821R	
2 CSR 70-12.010	Plant Industries		43 MoReg 1555R	43 MoReg 3821R	
2 CSR 70-15.035	Plant Industries		43 MoReg 1555R	43 MoReg 3821R	
2 CSR 70-15.045	Plant Industries		43 MoReg 1555	43 MoReg 3821	
2 CSR 70-16.010	Plant Industries		43 MoReg 1556R	43 MoReg 3821R	
2 CSR 70-16.015	Plant Industries		43 MoReg 1556R	43 MoReg 3821R	
2 CSR 70-16.020	Plant Industries		43 MoReg 1556R	43 MoReg 3821R	
2 CSR 70-16.025	Plant Industries		43 MoReg 1556R	43 MoReg 3822R	
2 CSR 70-16.030	Plant Industries		43 MoReg 1557R	43 MoReg 3822R	
2 CSR 70-16.035	Plant Industries		43 MoReg 1557R	43 MoReg 3822R	
2 CSR 70-16.040	Plant Industries		43 MoReg 1557R	43 MoReg 3822R	
2 CSR 70-16.045	Plant Industries		43 MoReg 1558R	43 MoReg 3822R	
2 CSR 70-16.050	Plant Industries		43 MoReg 1558R	43 MoReg 3822R	
2 CSR 70-16.055	Plant Industries		43 MoReg 1558R	43 MoReg 3823R	
2 CSR 70-16.060	Plant Industries		43 MoReg 1558R	43 MoReg 3823R	
2 CSR 70-16.065	Plant Industries		43 MoReg 1559R	43 MoReg 3823R	
2 CSR 70-16.070	Plant Industries		43 MoReg 1559R	43 MoReg 3823R	
2 CSR 70-16.075	Plant Industries		43 MoReg 1559R	43 MoReg 3823R	
2 CSR 70-17.010	Plant Industries		44 MoReg 52		
2 CSR 70-17.020	Plant Industries		44 MoReg 53		
2 CSR 70-17.030	Plant Industries		44 MoReg 57		
2 CSR 70-17.040	Plant Industries		44 MoReg 59		
2 CSR 70-17.050	Plant Industries		44 MoReg 59		
2 CSR 70-17.060	Plant Industries		44 MoReg 60		
2 CSR 70-17.070	Plant Industries		44 MoReg 62		
2 CSR 70-17.080	Plant Industries		44 MoReg 65		
2 CSR 70-17.090	Plant Industries		44 MoReg 65		
2 CSR 70-17.100	Plant Industries		44 MoReg 68		
2 CSR 70-17.110	Plant Industries		44 MoReg 70		
2 CSR 70-17.120	Plant Industries		44 MoReg 71		
2 CSR 70-25.070	Plant Industries		43 MoReg 1559R	43 MoReg 3823W	
2 CSR 70-35.010	Plant Industries		43 MoReg 1560	43 MoReg 3824	
2 CSR 70-35.031	Plant Industries		43 MoReg 1560R	43 MoReg 3824R	
2 CSR 70-40.005	Plant Industries		43 MoReg 1560R	43 MoReg 3824W	
2 CSR 70-40.015	Plant Industries		43 MoReg 1561R	43 MoReg 3824W	
2 CSR 70-40.016	Plant Industries		43 MoReg 1561R	43 MoReg 3824W	
2 CSR 70-40.017	Plant Industries		43 MoReg 1561R	43 MoReg 3824W	
2 CSR 70-40.025	Plant Industries		43 MoReg 1561R	43 MoReg 3825W	
2 CSR 70-40.040	Plant Industries		43 MoReg 1562R	43 MoReg 3825W	
2 CSR 70-40.050	Plant Industries		43 MoReg 1562R	43 MoReg 3825W	
2 CSR 70-40.055	Plant Industries		43 MoReg 1562R	43 MoReg 3825W	
2 CSR 90-10	Weights, Measures and Consumer Protection				42 MoReg 1203
2 CSR 90-10.016	Weights, Measures and Consumer Protection		43 MoReg 1998R	43 MoReg 3825R	
2 CSR 90-11.010	Weights, Measures and Consumer Protection		43 MoReg 1998	43 MoReg 3825	
2 CSR 90-20.040	Weights, Measures and Consumer Protection		43 MoReg 1999	43 MoReg 3826	
2 CSR 90-21.010	Weights, Measures and Consumer Protection		43 MoReg 1999	43 MoReg 3826	
2 CSR 90-22.140	Weights, Measures and Consumer Protection		43 MoReg 2001	43 MoReg 3826	
2 CSR 90-23.010	Weights, Measures and Consumer Protection		43 MoReg 2001	43 MoReg 3826	
2 CSR 90-25.010	Weights, Measures and Consumer Protection		43 MoReg 2002	43 MoReg 3826	
2 CSR 90-30.050	Weights, Measures and Consumer Protection		43 MoReg 2002	43 MoReg 3827	
2 CSR 90-30.070	Weights, Measures and Consumer Protection		43 MoReg 2004	43 MoReg 3827	
2 CSR 90-30.080	Weights, Measures and Consumer Protection		43 MoReg 2005	43 MoReg 3827	
2 CSR 90-30.090	Weights, Measures and Consumer Protection		43 MoReg 2006	43 MoReg 3827	
2 CSR 90-30.100	Weights, Measures and Consumer Protection		43 MoReg 2006	43 MoReg 3827	
2 CSR 90-36.010	Weights, Measures and Consumer Protection		43 MoReg 2007	43 MoReg 3827	
2 CSR 90-38.010	Weights, Measures and Consumer Protection		43 MoReg 2012R		
2 CSR 90-38.020	Weights, Measures and Consumer Protection		43 MoReg 2012R		
2 CSR 90-38.030	Weights, Measures and Consumer Protection		43 MoReg 2012R		
2 CSR 90-38.040	Weights, Measures and Consumer Protection		43 MoReg 2013R		

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2 CSR 90-38.050	Weights, Measures and Consumer Protection		43 MoReg 2013R		
2 CSR 100-2.010	Missouri Agricultural and Small Business Development Authority		43 MoReg 1563R	43 MoReg 3828R	
2 CSR 100-2.020	Missouri Agricultural and Small Business Development Authority		43 MoReg 1563R	43 MoReg 3828W	
2 CSR 100-2.030	Missouri Agricultural and Small Business Development Authority		43 MoReg 1563R	43 MoReg 3828W	
2 CSR 100-2.040	Missouri Agricultural and Small Business Development Authority		43 MoReg 1563R	43 MoReg 3828W	
2 CSR 100-2.050	Missouri Agricultural and Small Business Development Authority		43 MoReg 1564R	43 MoReg 3828W	
2 CSR 100-3.010	Missouri Agricultural and Small Business Development Authority		43 MoReg 1564R	43 MoReg 3829R	
2 CSR 100-3.020	Missouri Agricultural and Small Business Development Authority		43 MoReg 1564R	43 MoReg 3829R	
2 CSR 100-3.030	Missouri Agricultural and Small Business Development Authority		43 MoReg 1564R	43 MoReg 3829R	
2 CSR 100-3.040	Missouri Agricultural and Small Business Development Authority		43 MoReg 1565R	43 MoReg 3829R	
2 CSR 100-3.050	Missouri Agricultural and Small Business Development Authority		43 MoReg 1565R	43 MoReg 3829R	
2 CSR 100-4.010	Missouri Agricultural and Small Business Development Authority		43 MoReg 1565R	43 MoReg 3829R	
2 CSR 100-4.020	Missouri Agricultural and Small Business Development Authority		43 MoReg 1565R	43 MoReg 3830R	
2 CSR 100-4.030	Missouri Agricultural and Small Business Development Authority		43 MoReg 1566R	43 MoReg 3830R	
2 CSR 100-4.040	Missouri Agricultural and Small Business Development Authority		43 MoReg 1566R	43 MoReg 3830R	
2 CSR 100-4.050	Missouri Agricultural and Small Business Development Authority		43 MoReg 1566R	43 MoReg 3830R	
2 CSR 100-10.010	Missouri Agricultural and Small Business Development Authority		43 MoReg 1566	43 MoReg 3830	
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3 CSR 10-1.010	Conservation Commission		43 MoReg 2815	This Issue	
3 CSR 10-4.200	Conservation Commission		43 MoReg 2815	This Issue	
3 CSR 10-5.205	Conservation Commission		43 MoReg 2816	This Issue	
3 CSR 10-5.215	Conservation Commission		43 MoReg 2822	This Issue	
3 CSR 10-5.222	Conservation Commission		43 MoReg 2824	This Issue	
3 CSR 10-5.600	Conservation Commission		43 MoReg 2824	This Issue	
3 CSR 10-5.605	Conservation Commission		43 MoReg 2824	This Issue	
3 CSR 10-6.415	Conservation Commission		43 MoReg 2824	This Issue	
3 CSR 10-7.405	Conservation Commission		43 MoReg 2825	This Issue	
3 CSR 10-7.410	Conservation Commission		43 MoReg 2825	This Issue	
3 CSR 10-7.431	Conservation Commission		43 MoReg 2825	This Issue	
3 CSR 10-7.433	Conservation Commission		43 MoReg 2828	This Issue	
3 CSR 10-7.434	Conservation Commission		43 MoReg 2828	This Issue	
3 CSR 10-7.455	Conservation Commission		43 MoReg 2829	This Issue	43 MoReg 93 This Issue
3 CSR 10-7.600	Conservation Commission		43 MoReg 2829	This Issue	
3 CSR 10-9.220	Conservation Commission		This Issue		
3 CSR 10-10.715	Conservation Commission		43 MoReg 2833	This Issue	
3 CSR 10-10.768	Conservation Commission		43 MoReg 2833	This Issue	
3 CSR 10-11.115	Conservation Commission		43 MoReg 2833	This Issue	
3 CSR 10-11.120	Conservation Commission		43 MoReg 2834	This Issue	
3 CSR 10-11.125	Conservation Commission		43 MoReg 2835	This Issue	
3 CSR 10-11.130	Conservation Commission		43 MoReg 2836	This Issue	
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3 CSR 10-11.140	Conservation Commission		43 MoReg 2837	This Issue	
3 CSR 10-11.145	Conservation Commission		43 MoReg 2838	This Issue	
3 CSR 10-11.155	Conservation Commission		43 MoReg 2838	This Issue	
3 CSR 10-11.160	Conservation Commission		43 MoReg 2838	This Issue	
3 CSR 10-11.180	Conservation Commission		43 MoReg 2839	This Issue	
3 CSR 10-11.184	Conservation Commission		43 MoReg 2845	This Issue	
3 CSR 10-11.185	Conservation Commission		43 MoReg 2845	This Issue	
3 CSR 10-11.186	Conservation Commission		43 MoReg 2849	This Issue	
3 CSR 10-11.200	Conservation Commission		43 MoReg 2849	This Issue	
3 CSR 10-11.205	Conservation Commission		43 MoReg 2850	This Issue	
3 CSR 10-11.210	Conservation Commission		43 MoReg 2851	This Issue	
3 CSR 10-11.215	Conservation Commission		43 MoReg 2852	This Issue	
3 CSR 10-20.805	Conservation Commission		43 MoReg 2853	This Issue	
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 80-1.010	Division of Economic Development Programs*		43 MoReg 3059R		
4 CSR 80-2.010	Division of Economic Development Programs*		43 MoReg 3059R		
4 CSR 80-2.020	Division of Economic Development Programs*		43 MoReg 3059R		
4 CSR 80-2.030	Division of Economic Development Programs*		43 MoReg 3060R		
4 CSR 80-5.010	Division of Economic Development Programs*		43 MoReg 3060		
4 CSR 80-5.020	Division of Economic Development Programs*		43 MoReg 3061R		
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4 CSR 80-7.020	Division of Economic Development Programs*		43 MoReg 3061R		
4 CSR 80-7.030	Division of Economic Development Programs*		43 MoReg 3061R		
4 CSR 80-7.040	Division of Economic Development Programs*		43 MoReg 3062R		
4 CSR 85-2.010	Division of Business and Community Services		43 MoReg 3062		
4 CSR 85-2.015	Division of Business and Community Services		43 MoReg 3062R		
4 CSR 85-2.020	Division of Business and Community Services		43 MoReg 3063		
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4 CSR 85-2.040	Division of Business and Community Services		43 MoReg 3065R		
4 CSR 85-6.010	Division of Business and Community Services		43 MoReg 3065R		
4 CSR 85-7.010	Division of Business and Community Services		43 MoReg 3065R		
4 CSR 195-1.010	Division of Workforce Development		43 MoReg 3066		

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4 CSR 195-2.010	Division of Workforce Development		43 MoReg 3066R		
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4 CSR 195-2.030	Division of Workforce Development		43 MoReg 3067R		
4 CSR 195-3.010	Division of Workforce Development		43 MoReg 3067R		
4 CSR 195-3.020	Division of Workforce Development		43 MoReg 3067R		
4 CSR 195-4.010	Division of Workforce Development		43 MoReg 3067R		
4 CSR 195-5.010	Division of Workforce Development		43 MoReg 3068R		
4 CSR 195-5.020	Division of Workforce Development		43 MoReg 3068R		
4 CSR 195-5.030	Division of Workforce Development		43 MoReg 3068R		
4 CSR 240-2.010	Public Service Commission		43 MoReg 3762		
4 CSR 240-2.070	Public Service Commission		43 MoReg 3762		
4 CSR 240-2.120	Public Service Commission		43 MoReg 3763		
4 CSR 240-2.205	Public Service Commission		43 MoReg 3763		
4 CSR 240-3.010	Public Service Commission		43 MoReg 3764		
4 CSR 240-3.015	Public Service Commission		43 MoReg 3764R		
4 CSR 240-3.020	Public Service Commission		43 MoReg 3764R		
4 CSR 240-3.025	Public Service Commission		43 MoReg 3765R		
4 CSR 240-3.030	Public Service Commission		43 MoReg 3765		
4 CSR 240-3.110	Public Service Commission		43 MoReg 1567R	43 MoReg 3830R	
4 CSR 240-3.115	Public Service Commission		43 MoReg 1567R	43 MoReg 3831R	
4 CSR 240-3.120	Public Service Commission		43 MoReg 1567R	43 MoReg 3831R	
4 CSR 240-3.125	Public Service Commission		43 MoReg 1568R	43 MoReg 3831R	
4 CSR 240-3.145	Public Service Commission		43 MoReg 3766R		
4 CSR 240-3.161	Public Service Commission		43 MoReg 1423R	43 MoReg 3832R	
4 CSR 240-3.165	Public Service Commission		43 MoReg 1568R	43 MoReg 3832R	
4 CSR 240-3.180	Public Service Commission		43 MoReg 3766R		
4 CSR 240-3.185	Public Service Commission		43 MoReg 3766R		
4 CSR 240-3.210	Public Service Commission		43 MoReg 1569R	43 MoReg 3832R	
4 CSR 240-3.215	Public Service Commission		43 MoReg 1569R	43 MoReg 3832R	
4 CSR 240-3.220	Public Service Commission		43 MoReg 1569R	43 MoReg 3833R	
4 CSR 240-3.225	Public Service Commission		43 MoReg 1570R	43 MoReg 3833R	
4 CSR 240-3.235	Public Service Commission		44 MoReg 71R		
4 CSR 240-3.245	Public Service Commission		43 MoReg 1570R	43 MoReg 3833R	
4 CSR 240-3.250	Public Service Commission		43 MoReg 3767R		
4 CSR 240-3.260	Public Service Commission		44 MoReg 71R		
4 CSR 240-3.270	Public Service Commission		43 MoReg 1571R	43 MoReg 3833R	
4 CSR 240-3.275	Public Service Commission		44 MoReg 72R		
4 CSR 240-3.280	Public Service Commission		43 MoReg 1571R	43 MoReg 3834R	
4 CSR 240-3.290	Public Service Commission		43 MoReg 1571R	43 MoReg 3834R	
4 CSR 240-3.295	Public Service Commission		43 MoReg 1572R	43 MoReg 3834R	
4 CSR 240-3.310	Public Service Commission		43 MoReg 1572R	43 MoReg 3835R	
4 CSR 240-3.315	Public Service Commission		43 MoReg 1572R	43 MoReg 3835R	
4 CSR 240-3.320	Public Service Commission		43 MoReg 1573R	43 MoReg 3835R	
4 CSR 240-3.325	Public Service Commission		43 MoReg 1573R	43 MoReg 3836R	
4 CSR 240-3.335	Public Service Commission		43 MoReg 1574R	43 MoReg 3836R	
4 CSR 240-3.405	Public Service Commission		43 MoReg 1574R	43 MoReg 3836R	
4 CSR 240-3.410	Public Service Commission		43 MoReg 1574R	43 MoReg 3836R	
4 CSR 240-3.415	Public Service Commission		43 MoReg 1575R	43 MoReg 3837R	
4 CSR 240-3.420	Public Service Commission		43 MoReg 1575R	43 MoReg 3837R	
4 CSR 240-3.435	Public Service Commission		43 MoReg 1575R	43 MoReg 3837R	
4 CSR 240-3.605	Public Service Commission		43 MoReg 1576R	43 MoReg 3838R	
4 CSR 240-3.610	Public Service Commission		43 MoReg 1576R	43 MoReg 3838R	
4 CSR 240-3.615	Public Service Commission		43 MoReg 1577R	43 MoReg 3838R	
4 CSR 240-3.620	Public Service Commission		43 MoReg 1577R	43 MoReg 3838R	
4 CSR 240-3.640	Public Service Commission		43 MoReg 1577R	43 MoReg 3839R	
4 CSR 240-10.020	Public Service Commission		43 MoReg 3767		
4 CSR 240-10.040	Public Service Commission		43 MoReg 3768		
4 CSR 240-10.085	Public Service Commission		43 MoReg 1424	43 MoReg 3839	
4 CSR 240-10.095	Public Service Commission		43 MoReg 1425	43 MoReg 3842	
4 CSR 240-10.105	Public Service Commission		43 MoReg 1578	43 MoReg 3845	
4 CSR 240-10.115	Public Service Commission		43 MoReg 1578	43 MoReg 3845	
4 CSR 240-10.125	Public Service Commission		43 MoReg 1579	43 MoReg 3846	
4 CSR 240-10.135	Public Service Commission		43 MoReg 1579	43 MoReg 3846	
4 CSR 240-10.145	Public Service Commission		43 MoReg 1580	43 MoReg 3846	
4 CSR 240-13.010	Public Service Commission		43 MoReg 3768		
4 CSR 240-13.015	Public Service Commission		43 MoReg 3769		
4 CSR 240-13.020	Public Service Commission		43 MoReg 3769		
4 CSR 240-13.025	Public Service Commission		43 MoReg 3770		
4 CSR 240-13.030	Public Service Commission		43 MoReg 3770		
4 CSR 240-13.050	Public Service Commission		43 MoReg 3770		
4 CSR 240-13.055	Public Service Commission		43 MoReg 3773		
4 CSR 240-13.070	Public Service Commission		43 MoReg 3774		
4 CSR 240-20.070	Public Service Commission		43 MoReg 3774		
4 CSR 240-20.090	Public Service Commission		43 MoReg 1426	43 MoReg 3847	
4 CSR 240-20.105	Public Service Commission		43 MoReg 3776		
4 CSR 240-40.020	Public Service Commission		43 MoReg 1581	43 MoReg 3860	
4 CSR 240-40.030	Public Service Commission		43 MoReg 1583	43 MoReg 3861	
4 CSR 240-40.080	Public Service Commission		43 MoReg 1596	43 MoReg 3861	
4 CSR 240-40.085	Public Service Commission		44 MoReg 72		
4 CSR 240-40.090	Public Service Commission		44 MoReg 73		
4 CSR 340-2	Division of Energy				43 MoReg 15 43 MoReg 3869

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5 CSR 20-100.120	Division of Learning Services		43 MoReg 3779R		
5 CSR 20-100.160	Division of Learning Services		43 MoReg 3068		
5 CSR 20-100.190	Division of Learning Services		43 MoReg 3780		
5 CSR 20-100.200	Division of Learning Services		43 MoReg 3070		
5 CSR 20-100.260	Division of Learning Services		44 MoReg 74		
5 CSR 20-100.300	Division of Learning Services				43 MoReg 3651
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5 CSR 20-100.310	Division of Learning Services ( <i>Changed from 5 CSR 20-600.130</i> )				43 MoReg 3651
5 CSR 20-100.320	Division of Learning Services ( <i>Changed from 5 CSR 20-600.140</i> )				43 MoReg 3651
5 CSR 20-100.330	Division of Learning Services ( <i>Changed from 5 CSR 20-600.110</i> )		44 MoReg 79		
5 CSR 20-300.140	Division of Learning Services		43 MoReg 252R 43 MoReg 2013R	43 MoReg 3604R	
5 CSR 20-400.510	Division of Learning Services		43 MoReg 2014	43 MoReg 3604	
5 CSR 20-400.520	Division of Learning Services		43 MoReg 2015	43 MoReg 3605	
5 CSR 20-400.560	Division of Learning Services		43 MoReg 2016	43 MoReg 3605	
5 CSR 20-400.640	Division of Learning Services		42 MoReg 1581 43 MoReg 2017	43 MoReg 3607	
5 CSR 20-500.110	Division of Learning Services		43 MoReg 3780R		
5 CSR 20-600.110	Division of Learning Services ( <i>Changed to 5 CSR 20-100.330</i> )		44 MoReg 79		
5 CSR 20-600.120	Division of Learning Services ( <i>Changed to 5 CSR 20-100.300</i> )				43 MoReg 3651
5 CSR 20-600.130	Division of Learning Services ( <i>Changed to 5 CSR 20-100.310</i> )				43 MoReg 3651
5 CSR 20-600.140	Division of Learning Services ( <i>Changed to 5 CSR 20-100.320</i> )				43 MoReg 3651
5 CSR 30-261.010	Division of Financial and Administrative Services		44 MoReg 79		
5 CSR 30-345.030	Division of Financial and Administrative Services		43 MoReg 3071		
6 CSR 10-4.010	<b>DEPARTMENT OF HIGHER EDUCATION</b> Commissioner of Higher Education		43 MoReg 123 43 MoReg 3474		
7 CSR	<b>MISSOURI DEPARTMENT OF TRANSPORTATION</b> Department of Transportation				41 MoReg 845
7 CSR 10-4.020	Missouri Highways and Transportation Commission		This Issue		
7 CSR 10-19.010	Missouri Highways and Transportation Commission		42 MoReg 93R		
8 CSR	<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b> Department of Labor and Industrial Relations				41 MoReg 845
8 CSR 30-1.010	Division of Labor Standards		43 MoReg 2021	43 MoReg 3862	
8 CSR 30-2.010	Division of Labor Standards		43 MoReg 2021	43 MoReg 3862	
8 CSR 30-2.020	Division of Labor Standards		43 MoReg 2021	43 MoReg 3862	
8 CSR 30-3.010	Division of Labor Standards	44 MoReg 5	43 MoReg 2028 44 MoReg 81	43 MoReg 3862W	
8 CSR 30-3.020	Division of Labor Standards		43 MoReg 2029	43 MoReg 3862W	
8 CSR 30-3.030	Division of Labor Standards	44 MoReg 6	43 MoReg 2030 44 MoReg 82	43 MoReg 3863W	
8 CSR 30-3.040	Division of Labor Standards	44 MoReg 7	43 MoReg 2031 44 MoReg 83	43 MoReg 3863W	
8 CSR 30-3.050	Division of Labor Standards	44 MoReg 7	43 MoReg 2031R 44 MoReg 83	43 MoReg 3863W	
8 CSR 30-3.060	Division of Labor Standards	44 MoReg 8	43 MoReg 2031 44 MoReg 83	43 MoReg 3863W	
8 CSR 30-4.010	Division of Labor Standards		43 MoReg 2034	43 MoReg 3863	
8 CSR 30-4.020	Division of Labor Standards		43 MoReg 2035	43 MoReg 3864	
8 CSR 30-4.040	Division of Labor Standards		43 MoReg 2035	43 MoReg 3864	
8 CSR 30-4.050	Division of Labor Standards		43 MoReg 2035	43 MoReg 3864	
8 CSR 30-4.060	Division of Labor Standards		43 MoReg 2036	43 MoReg 3864	
8 CSR 30-5.010	Division of Labor Standards		43 MoReg 2037	43 MoReg 3864W	
8 CSR 30-5.020	Division of Labor Standards		43 MoReg 2037	43 MoReg 3864W	
8 CSR 30-5.030	Division of Labor Standards		43 MoReg 2038	43 MoReg 3865W	
8 CSR 30-6.010	Division of Labor Standards		43 MoReg 2039	43 MoReg 3865	
9 CSR	<b>DEPARTMENT OF MENTAL HEALTH</b> Department of Mental Health				41 MoReg 845
9 CSR 10-5.240	Director, Department of Mental Health ( <i>Changed to 9 CSR 10-7.035</i> )		43 MoReg 2975		
9 CSR 10-7.010	Director, Department of Mental Health		43 MoReg 3781		
9 CSR 10-7.020	Director, Department of Mental Health		43 MoReg 3786		
9 CSR 10-7.030	Director, Department of Mental Health		43 MoReg 3788		
9 CSR 10-7.035	Director, Department of Mental Health ( <i>Changed from 9 CSR 10-5.240</i> )		43 MoReg 2975		
9 CSR 10-7.040	Director, Department of Mental Health		43 MoReg 3794		
9 CSR 10-7.050	Director, Department of Mental Health		43 MoReg 3795		
9 CSR 10-7.080	Director, Department of Mental Health		43 MoReg 3796		
9 CSR 10-7.090	Director, Department of Mental Health		43 MoReg 3797		
9 CSR 10-7.100	Director, Department of Mental Health		43 MoReg 3799		
9 CSR 10-7.110	Director, Department of Mental Health		43 MoReg 3800		
9 CSR 10-7.120	Director, Department of Mental Health		43 MoReg 3802		
9 CSR 10-7.130	Director, Department of Mental Health		43 MoReg 3805		
10 CSR	<b>DEPARTMENT OF NATURAL RESOURCES</b> Department of Natural Resources				41 MoReg 845
10 CSR 1-3.010	Director's Office		43 MoReg 2039	44 MoReg 123	
10 CSR 10-2.205	Air Conservation Commission		43 MoReg 2039		
10 CSR 10-2.215	Air Conservation Commission		43 MoReg 1015R	43 MoReg 3607R	
10 CSR 10-2.230	Air Conservation Commission		43 MoReg 2042		
10 CSR 10-2.260	Air Conservation Commission		43 MoReg 1266	44 MoReg 123	
10 CSR 10-2.300	Air Conservation Commission		43 MoReg 1270	44 MoReg 127	
10 CSR 10-2.320	Air Conservation Commission		43 MoReg 1016	43 MoReg 3609	
10 CSR 10-2.340	Air Conservation Commission		43 MoReg 1017	43 MoReg 3610	
10 CSR 10-2.390	Air Conservation Commission		43 MoReg 1018R	43 MoReg 3612R	

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10 CSR 10-5.295	Air Conservation Commission		43 MoReg 2052		
10 CSR 10-5.330	Air Conservation Commission		43 MoReg 2055		
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10 CSR 10-5.410	Air Conservation Commission		43 MoReg 1020R	43 MoReg 3616R	
10 CSR 10-5.440	Air Conservation Commission		43 MoReg 1020R	43 MoReg 3617R	
10 CSR 10-5.455	Air Conservation Commission		43 MoReg 1020R	43 MoReg 3619R	
10 CSR 10-5.500	Air Conservation Commission		43 MoReg 1272	44 MoReg 128	
10 CSR 10-5.520	Air Conservation Commission		43 MoReg 1021R	43 MoReg 3620R	
10 CSR 10-5.530	Air Conservation Commission		43 MoReg 1277	44 MoReg 130	
10 CSR 10-5.540	Air Conservation Commission		43 MoReg 1282	44 MoReg 132	
10 CSR 10-5.570	Air Conservation Commission		43 MoReg 1021	43 MoReg 3621	
10 CSR 10-6.030	Air Conservation Commission		43 MoReg 1024	43 MoReg 3624	
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10 CSR 10-6.070	Air Conservation Commission		43 MoReg 1287	44 MoReg 132	
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10 CSR 10-6.120	Air Conservation Commission		43 MoReg 1303	44 MoReg 134	
10 CSR 10-6.130	Air Conservation Commission		43 MoReg 1304		
10 CSR 10-6.161	Air Conservation Commission		43 MoReg 1312	44 MoReg 135	
10 CSR 10-6.170	Air Conservation Commission		43 MoReg 2126		
10 CSR 10-6.200	Air Conservation Commission		43 MoReg 1032	43 MoReg 3629	
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10 CSR 10-6.241	Air Conservation Commission		43 MoReg 1313	44 MoReg 135	
10 CSR 10-6.250	Air Conservation Commission		43 MoReg 1316	44 MoReg 137	
10 CSR 10-6.261	Air Conservation Commission		43 MoReg 2129		
10 CSR 10-6.280	Air Conservation Commission		43 MoReg 1319	44 MoReg 139	
10 CSR 10-6.300	Air Conservation Commission		43 MoReg 1320	44 MoReg 140	
10 CSR 10-6.330	Air Conservation Commission		43 MoReg 2134		
10 CSR 10-6.362	Air Conservation Commission		43 MoReg 1046R	43 MoReg 3630R	
10 CSR 10-6.364	Air Conservation Commission		43 MoReg 1047R	43 MoReg 3631R	
10 CSR 10-6.366	Air Conservation Commission		43 MoReg 1047R	43 MoReg 3632R	
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10 CSR 20-4.010	Clean Water Commission		43 MoReg 1596R	44 MoReg 141R	
10 CSR 20-4.030	Clean Water Commission		43 MoReg 1596	44 MoReg 141	
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10 CSR 20-6.020	Clean Water Commission		43 MoReg 1633	44 MoReg 157	
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10 CSR 20-6.300	Clean Water Commission		43 MoReg 1652	44 MoReg 165	
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10 CSR 20-9.010	Clean Water Commission		43 MoReg 1742	44 MoReg 194	
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10 CSR 20-14.010	Clean Water Commission		43 MoReg 1749	44 MoReg 195	
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10 CSR 23-1.080	Well Installation		43 MoReg 2183R	This IssueR	
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10 CSR 23-1.130	Well Installation		43 MoReg 2185R	This IssueR	
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10 CSR 23-3.040	Well Installation		43 MoReg 2203R	This IssueR	
10 CSR 23-3.050	Well Installation		43 MoReg 2203	This Issue	
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10 CSR 23-5.010	Well Installation		43 MoReg 2256R	This IssueR	
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10 CSR 23-6.010	Well Installation		43 MoReg 2260R	This IssueR	
10 CSR 23-6.020	Well Installation		43 MoReg 2260	This Issue	
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10 CSR 60-8.010	Safe Drinking Water Commission		43 MoReg 1843	44 MoReg 204	
10 CSR 60-8.030	Safe Drinking Water Commission		43 MoReg 1848	44 MoReg 204	
10 CSR 60-9.010	Safe Drinking Water Commission		43 MoReg 1860	44 MoReg 205	
10 CSR 60-11.010	Safe Drinking Water Commission		43 MoReg 1860	44 MoReg 205	
10 CSR 60-11.030	Safe Drinking Water Commission		43 MoReg 1861	44 MoReg 205	
10 CSR 60-13.010	Safe Drinking Water Commission		43 MoReg 1861	44 MoReg 205	
10 CSR 60-13.020	Safe Drinking Water Commission		43 MoReg 1863	44 MoReg 205	
10 CSR 60-13.025	Safe Drinking Water Commission		43 MoReg 1875	44 MoReg 207	
10 CSR 60-13.030	Safe Drinking Water Commission		43 MoReg 1885	44 MoReg 208	
10 CSR 60-14.010	Safe Drinking Water Commission		43 MoReg 1888	44 MoReg 210	
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10 CSR 70-2.020	Soil and Water Districts Commission		43 MoReg 1438	43 MoReg 3638	
10 CSR 70-3.010	Soil and Water Districts Commission		43 MoReg 1439	43 MoReg 3638	
10 CSR 70-4.010	Soil and Water Districts Commission		43 MoReg 1441	43 MoReg 3639	
10 CSR 70-5.010	Soil and Water Districts Commission		43 MoReg 1441	43 MoReg 3640	
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10 CSR 70-5.040	Soil and Water Districts Commission		43 MoReg 1445	43 MoReg 3643	
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10 CSR 80-6.010	Solid Waste Management		43 MoReg 1892R	44 MoReg 217R	
10 CSR 80-7.010	Solid Waste Management		43 MoReg 1893	44 MoReg 217	
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10 CSR 90-2.030	State Parks		43 MoReg 1908	44 MoReg 222	
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11 CSR 30-9.010	Office of the Director		43 MoReg 1329R		
11 CSR 30-9.020	Office of the Director		43 MoReg 1329R		
11 CSR 30-9.030	Office of the Director		43 MoReg 1329R		
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12 CSR 10-3.858	Director of Revenue ( <i>Changed to 12 CSR 10-110.858</i> )		43 MoReg 3268		
12 CSR 10-3.876	Director of Revenue ( <i>Changed to 12 CSR 10-103.876</i> )		43 MoReg 3266		
12 CSR 10-4.320	Director of Revenue ( <i>Changed to 12 CSR 10-113.320</i> )		43 MoReg 3268		
12 CSR 10-10.120	Director of Revenue		43 MoReg 3268		
12 CSR 10-23.100	Director of Revenue		43 MoReg 3489		
12 CSR 10-23.260	Director of Revenue		43 MoReg 3490		
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12 CSR 10-23.340	Director of Revenue		43 MoReg 3491		
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12 CSR 10-26.080	Director of Revenue		43 MoReg 3495		
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12 CSR 10-26.190	Director of Revenue		43 MoReg 3496		
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12 CSR 10-103.395	Director of Revenue		43 MoReg 3270		
12 CSR 10-103.700	Director of Revenue		43 MoReg 3270		
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12 CSR 40-50.060	State Lottery		This Issue		
12 CSR 40-70.040	State Lottery		This Issue		
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13 CSR	Department of Social Services				42 MoReg 990
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13 CSR 10-3.010	Division of Finance and Administrative Services ( <i>Changed from 13 CSR 35-100.010</i> )		43 MoReg 2544		
13 CSR 10-3.020	Division of Finance and Administrative Services ( <i>Changed from 13 CSR 35-100.020</i> )		43 MoReg 2546		
13 CSR 10-3.030	Division of Finance and Administrative Services ( <i>Changed from 13 CSR 35-100.030</i> )		43 MoReg 2549		
13 CSR 10-3.040	Division of Finance and Administrative Services ( <i>Changed from 13 CSR 40-79.010</i> )		43 MoReg 2553		
13 CSR 10-3.050	Division of Finance and Administrative Services		43 MoReg 2543		
13 CSR 10-4.010	Division of Finance and Administrative Services	43 MoReg 2455	43 MoReg 2462	This Issue	
13 CSR 15-19.010	Division of Aging		43 MoReg 2853R		
13 CSR 30-2.010	Child Support Enforcement ( <i>Changed to 13 CSR 40-108.040</i> )		43 MoReg 2645		
13 CSR 30-4.020	Child Support Enforcement ( <i>Changed to 13 CSR 40-104.010</i> )		43 MoReg 2648		
13 CSR 30-5.010	Child Support Enforcement ( <i>Changed to 13 CSR 40-102.010</i> )		43 MoReg 2853		
13 CSR 30-5.020	Child Support Enforcement ( <i>Changed to 13 CSR 40-106.010</i> )		43 MoReg 3072		
13 CSR 30-6.010	Child Support Enforcement ( <i>Changed to 13 CSR 40-104.020</i> )		43 MoReg 3074		
13 CSR 30-7.010	Child Support Enforcement ( <i>Changed to 13 CSR 40-100.020</i> )		43 MoReg 3075		
13 CSR 30-8.010	Child Support Enforcement ( <i>Changed to 13 CSR 40-100.030</i> )		43 MoReg 2855		
13 CSR 30-9.010	Child Support Enforcement ( <i>Changed to 13 CSR 40-108.030</i> )		43 MoReg 2650		
13 CSR 30-10.010	Child Support Enforcement ( <i>Changed to 13 CSR 40-110.040</i> )		43 MoReg 2651		
13 CSR 35-31.015	Children's Division		43 MoReg 2652		
13 CSR 35-34.080	Children's Division		43 MoReg 3502		

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13 CSR 35-60.030	Children's Division		43 MoReg 3081		
13 CSR 35-73.010	Children's Division ( <i>Changed from 13 CSR 40-73.010</i> )		43 MoReg 2979		
13 CSR 35-73.012	Children's Division ( <i>Changed from 13 CSR 40-73.012</i> )		43 MoReg 2857		
13 CSR 35-73.030	Children's Division ( <i>Changed from 13 CSR 40-73.030</i> )		43 MoReg 2858		
13 CSR 35-73.035	Children's Division ( <i>Changed from 13 CSR 40-73.035</i> )		43 MoReg 2979		
13 CSR 35-73.040	Children's Division ( <i>Changed from 13 CSR 40-73.040</i> )		43 MoReg 2980		
13 CSR 35-73.050	Children's Division ( <i>Changed from 13 CSR 40-73.050</i> )		43 MoReg 2980		
13 CSR 35-73.060	Children's Division ( <i>Changed from 13 CSR 40-73.060</i> )		43 MoReg 2981		
13 CSR 35-73.070	Children's Division ( <i>Changed from 13 CSR 40-73.070</i> )		43 MoReg 2981		
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13 CSR 35-100.010	Children's Division ( <i>Changed to 13 CSR 10-3.010</i> )		43 MoReg 2544		
13 CSR 35-100.020	Children's Division ( <i>Changed to 13 CSR 10-3.020</i> )		43 MoReg 2546		
13 CSR 35-100.030	Children's Division ( <i>Changed to 13 CSR 10-3.030</i> )		43 MoReg 2549		
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13 CSR 40-2.020	Family Support Division		43 MoReg 3082		
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13 CSR 40-2.050	Family Support Division		43 MoReg 2653		
13 CSR 40-2.090	Family Support Division		43 MoReg 2551R		
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13 CSR 40-30.010	Family Support Division ( <i>Changed to 13 CSR 35-35.050</i> )		43 MoReg 2654		
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13 CSR 40-73.010	Family Support Division ( <i>Changed to 13 CSR 35-73.010</i> )		43 MoReg 2979		
13 CSR 40-73.012	Family Support Division ( <i>Changed to 13 CSR 35-73.012</i> )		43 MoReg 2857		
13 CSR 40-73.015	Family Support Division		43 MoReg 2857R		
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13 CSR 40-73.035	Family Support Division ( <i>Changed to 13 CSR 35-73.035</i> )		43 MoReg 2979		
13 CSR 40-73.040	Family Support Division ( <i>Changed to 13 CSR 35-73.040</i> )		43 MoReg 2980		
13 CSR 40-73.050	Family Support Division ( <i>Changed to 13 CSR 35-73.050</i> )		43 MoReg 2980		
13 CSR 40-73.060	Family Support Division ( <i>Changed to 13 CSR 35-73.060</i> )		43 MoReg 2981		
13 CSR 40-73.070	Family Support Division ( <i>Changed to 13 CSR 35-73.070</i> )		43 MoReg 2981		
13 CSR 40-73.075	Family Support Division ( <i>Changed to 13 CSR 35-73.075</i> )		43 MoReg 2981		
13 CSR 40-73.080	Family Support Division ( <i>Changed to 13 CSR 35-73.080</i> )		43 MoReg 2982		
13 CSR 40-79.010	Family Support Division ( <i>Changed to 13 CSR 10-3.040</i> )		43 MoReg 2553		
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13 CSR 40-91.010	Family Support Division		43 MoReg 3089		
13 CSR 40-91.030	Family Support Division		43 MoReg 3092		
13 CSR 40-100.020	Family Support Division ( <i>Changed from 13 CSR 30-7.010</i> )		43 MoReg 3075		
13 CSR 40-100.030	Family Support Division ( <i>Changed from 13 CSR 30-8.010</i> )		43 MoReg 2855		
13 CSR 40-102.010	Family Support Division ( <i>Changed from 13 CSR 30-5.010</i> )		43 MoReg 2853		
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13 CSR 40-108.020	Family Support Division ( <i>Changed from 13 CSR 40-3.020</i> )		43 MoReg 2653		
13 CSR 40-108.030	Family Support Division ( <i>Changed from 13 CSR 30-9.010</i> )		43 MoReg 2650		
13 CSR 40-108.040	Family Support Division ( <i>Changed from 13 CSR 30-2.010</i> )		43 MoReg 2645		
13 CSR 40-110.040	Family Support Division ( <i>Changed from 13 CSR 30-10.010</i> )		43 MoReg 2651		
13 CSR 45-2.010	Division of Legal Services ( <i>Changed to 13 CSR 5-2.010</i> )		43 MoReg 2654		
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13 CSR 70-3.190	MO HealthNet Division		43 MoReg 1917R	43 MoReg 3866R	
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13 CSR 70-4.051	MO HealthNet Division		43 MoReg 3093		
13 CSR 70-4.070	MO HealthNet Division		43 MoReg 1918R	43 MoReg 3866R	
13 CSR 70-10.016	MO HealthNet Division		43 MoReg 3094		
13 CSR 70-10.070	MO HealthNet Division		43 MoReg 2866		
13 CSR 70-10.120	MO HealthNet Division		43 MoReg 2661		
13 CSR 70-10.160	MO HealthNet Division		43 MoReg 2866		
13 CSR 70-15.010	MO HealthNet Division	43 MoReg 1991	43 MoReg 2311	43 MoReg 3646	
13 CSR 70-15.110	MO HealthNet Division	43 MoReg 1994	43 MoReg 2315	43 MoReg 3646	
13 CSR 70-20.030	MO HealthNet Division		43 MoReg 2868		
13 CSR 70-20.031	MO HealthNet Division		43 MoReg 3099		
13 CSR 70-20.032	MO HealthNet Division		43 MoReg 1918R	43 MoReg 3866R	
13 CSR 70-20.034	MO HealthNet Division		43 MoReg 3099R		
13 CSR 70-20.040	MO HealthNet Division		43 MoReg 1918R	43 MoReg 3866R	
13 CSR 70-20.060	MO HealthNet Division		43 MoReg 2564		
13 CSR 70-20.070	MO HealthNet Division		43 MoReg 2566		
13 CSR 70-20.340	MO HealthNet Division		43 MoReg 3099		
13 CSR 70-26.010	MO HealthNet Division		43 MoReg 3101		
13 CSR 70-30.010	MO HealthNet Division		43 MoReg 3103		
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13 CSR 110-3.010	Division of Youth Services		43 MoReg 3106		
13 CSR 110-3.015	Division of Youth Services		43 MoReg 2868R		
13 CSR 110-3.020	Division of Youth Services		43 MoReg 2869R		
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19 CSR 30-1.023	Division of Regulation and Licensure	43 MoReg 2970	43 MoReg 2990		
19 CSR 30-1.064	Division of Regulation and Licensure	43 MoReg 2971	43 MoReg 2990		
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20 CSR 2117-4.010	Office of Statewide Electrical Contractors		This Issue		
20 CSR 2117-5.010	Office of Statewide Electrical Contractors		This Issue		
20 CSR 2150-3.080	State Board of Registration for the Healing Arts	43 MoReg 2459	43 MoReg 2469	43 MoReg 3646	
20 CSR 2150-3.170	State Board of Registration for the Healing Arts	43 MoReg 2459	43 MoReg 2472	43 MoReg 3646	
20 CSR 2150-3.300	State Board of Registration for the Healing Arts	43 MoReg 2460	43 MoReg 2475	43 MoReg 3647	
20 CSR 2150-5.025	State Board of Registration for the Healing Arts	43 MoReg 2773	43 MoReg 2890	This Issue	
20 CSR 2150-5.100	State Board of Registration for the Healing Arts	44 MoReg 27T			
20 CSR 2200-4.200	State Board of Nursing	44 MoReg 27T			
20 CSR 2200-7.010	State Board of Nursing		43 MoReg 3278		
20 CSR 2210-1.010	State Board of Optometry		43 MoReg 2892	This Issue	
20 CSR 2210-1.020	State Board of Optometry		43 MoReg 2893	This Issue	
20 CSR 2210-2.011	State Board of Optometry		43 MoReg 2893	This Issue	
20 CSR 2210-2.020	State Board of Optometry		43 MoReg 3811		
20 CSR 2210-2.030	State Board of Optometry		43 MoReg 2893	This Issue	
20 CSR 2210-2.060	State Board of Optometry		43 MoReg 2895	This Issue	
20 CSR 2220-2.200	State Board of Pharmacy	43 MoReg 2776	43 MoReg 2896	This Issue	
20 CSR 2220-4.010	State Board of Pharmacy	43 MoReg 3058T			
		44 MoReg 28	44 MoReg 107		
20 CSR 2220-8.010	State Board of Pharmacy	44 MoReg 28	44 MoReg 113		
20 CSR 2220-8.020	State Board of Pharmacy	44 MoReg 29	44 MoReg 113		
20 CSR 2220-8.030	State Board of Pharmacy	44 MoReg 30	44 MoReg 115		
20 CSR 2220-8.040	State Board of Pharmacy	44 MoReg 31	44 MoReg 115		
20 CSR 2220-8.045	State Board of Pharmacy	44 MoReg 33	44 MoReg 117		
20 CSR 2220-8.050	State Board of Pharmacy		44 MoReg 118		
20 CSR 2220-8.060	State Board of Pharmacy		44 MoReg 119		
20 CSR 2231-3.010	Division of Professional Registration	43 MoReg 3760	43 MoReg 3814		
20 CSR 2232-1.040	Missouri State Committee of Interpreters	43 MoReg 3760	43 MoReg 3817		
20 CSR 2245-1.010	Real Estate Appraisers	43 MoReg 2639	43 MoReg 2664	44 MoReg 223	
20 CSR 2245-3.005	Real Estate Appraisers	43 MoReg 2640	43 MoReg 2664	44 MoReg 224	
20 CSR 2245-3.010	Real Estate Appraisers	43 MoReg 2641	43 MoReg 2665	44 MoReg 224	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2245-5.020	Real Estate Appraisers		44 MoReg 119		
20 CSR 2245-6.040	Real Estate Appraisers	43 MoReg 2642	43 MoReg 2665	44 MoReg 224	
20 CSR 2245-8.010	Real Estate Appraisers	43 MoReg 2643	43 MoReg 2666	44 MoReg 224	
20 CSR 2245-8.030	Real Estate Appraisers	43 MoReg 2643	43 MoReg 2666	44 MoReg 224	
20 CSR 2270-1.011	Missouri Veterinary Medical Board		43 MoReg 2570	43 MoReg 3867	
20 CSR 2270-1.031	Missouri Veterinary Medical Board		43 MoReg 2570	43 MoReg 3867	
20 CSR 2270-2.031	Missouri Veterinary Medical Board		43 MoReg 2572	43 MoReg 3867	
20 CSR 2270-2.041	Missouri Veterinary Medical Board		43 MoReg 2572	43 MoReg 3867	
20 CSR 2270-3.020	Missouri Veterinary Medical Board		43 MoReg 2572	43 MoReg 3867	
20 CSR 2270-4.011	Missouri Veterinary Medical Board		43 MoReg 2573	43 MoReg 3867	
20 CSR 2270-4.021	Missouri Veterinary Medical Board		43 MoReg 2573	43 MoReg 3868	
20 CSR 2270-4.031	Missouri Veterinary Medical Board		43 MoReg 2574	43 MoReg 3868	
20 CSR 2270-4.041	Missouri Veterinary Medical Board		43 MoReg 2574	43 MoReg 3868	
20 CSR 2270-4.042	Missouri Veterinary Medical Board		43 MoReg 2575	43 MoReg 3868	
20 CSR 2270-6.011	Missouri Veterinary Medical Board		43 MoReg 2575	43 MoReg 3868	
<b>MISSOURI CONSOLIDATED HEALTH CARE PLAN</b>					
22 CSR 10-1.030	Health Care Plan	43 MoReg 3354	43 MoReg 3539		
22 CSR 10-2.010	Health Care Plan	43 MoReg 3356	43 MoReg 3540		
22 CSR 10-2.020	Health Care Plan	43 MoReg 3357	43 MoReg 3541		
22 CSR 10-2.030	Health Care Plan	43 MoReg 3362	43 MoReg 3546		
22 CSR 10-2.045	Health Care Plan	43 MoReg 3365	43 MoReg 3549		
22 CSR 10-2.046	Health Care Plan	43 MoReg 3366	43 MoReg 3550		
22 CSR 10-2.047	Health Care Plan	43 MoReg 3368	43 MoReg 3551		
22 CSR 10-2.051	Health Care Plan	43 MoReg 3370R	43 MoReg 3553R		
22 CSR 10-2.052	Health Care Plan	43 MoReg 3370R	43 MoReg 3553R		
22 CSR 10-2.053	Health Care Plan	43 MoReg 3370	43 MoReg 3553		
22 CSR 10-2.055	Health Care Plan	43 MoReg 3372	43 MoReg 3555		
22 CSR 10-2.060	Health Care Plan	43 MoReg 3381R	43 MoReg 3564R		
22 CSR 10-2.061	Health Care Plan	43 MoReg 3382	43 MoReg 3564		
22 CSR 10-2.075	Health Care Plan	43 MoReg 3383	43 MoReg 3566		
22 CSR 10-2.080	Health Care Plan	43 MoReg 3384	43 MoReg 3566		
22 CSR 10-2.088	Health Care Plan	43 MoReg 3384	43 MoReg 3567		
22 CSR 10-2.089	Health Care Plan	43 MoReg 3385	43 MoReg 3567		
22 CSR 10-2.090	Health Care Plan	43 MoReg 3386	43 MoReg 3568		
22 CSR 10-2.110	Health Care Plan	43 MoReg 3389	43 MoReg 3570		
22 CSR 10-2.140	Health Care Plan	43 MoReg 3390	43 MoReg 3572		
22 CSR 10-3.010	Health Care Plan	43 MoReg 3391	43 MoReg 3579		
22 CSR 10-3.020	Health Care Plan	43 MoReg 3392	43 MoReg 3579		
22 CSR 10-3.045	Health Care Plan	43 MoReg 3395	43 MoReg 3582		
22 CSR 10-3.053	Health Care Plan	43 MoReg 3396R	43 MoReg 3583R		
22 CSR 10-3.055	Health Care Plan	43 MoReg 3397	43 MoReg 3584		
22 CSR 10-3.056	Health Care Plan	43 MoReg 3397R	43 MoReg 3584R		
22 CSR 10-3.057	Health Care Plan	43 MoReg 3398	43 MoReg 3584		
22 CSR 10-3.058	Health Care Plan	43 MoReg 3407	43 MoReg 3594		
22 CSR 10-3.059	Health Care Plan	43 MoReg 3409	43 MoReg 3595		
22 CSR 10-3.060	Health Care Plan	43 MoReg 3410R	43 MoReg 3597R		
22 CSR 10-3.061	Health Care Plan	43 MoReg 3411	43 MoReg 3597		
22 CSR 10-3.080	Health Care Plan	43 MoReg 3412	43 MoReg 3598		
22 CSR 10-3.090	Health Care Plan	43 MoReg 3413	43 MoReg 3599		

\*4 CSR 80—Economic Development Programs is changing to Division of Economic Development Programs.



# Emergency Rule Table

Agency	Publication	Effective	Expiration
<b>Office of Administration</b>			
<b>Division of Corrections</b>			
1 CSR 20-1.010	General Organization . . . . .	43 MoReg 2735 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-1.020	Definitions . . . . .	43 MoReg 2736 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-1.040	Unclassified Service . . . . .	43 MoReg 2740 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-1.045	Covered Service . . . . .	43 MoReg 2741 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-2.010	The Classification Plan . . . . .	43 MoReg 2742 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-2.015	Broad Classification Bands . . . . .	43 MoReg 2744 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-2.020	The Pay Plan . . . . .	43 MoReg 2747 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-3.010	Examinations . . . . .	43 MoReg 2749 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-3.020	Registers . . . . .	43 MoReg 2753 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-3.030	Certification and Appointment . . . . .	43 MoReg 2754 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-3.040	Probationary Period . . . . .	43 MoReg 2757 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-3.050	Service Reports . . . . .	43 MoReg 2758 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-3.070	Separation, Suspension, and Demotion . . . . .	43 MoReg 2759 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-3.080	General Provisions and Prohibitions . . . . .	43 MoReg 2763 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-4.010	Appeals . . . . .	43 MoReg 2764 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
1 CSR 20-4.020	Grievance Procedures . . . . .	43 MoReg 2764 . . . . .	Aug. 28, 2018 . . . . .Feb. 28, 2019
<b>Purchasing and Materials Management</b>			
1 CSR 40-1.050	Procedures for Solicitation, Receipt of Bids, and Award and Administration of Contracts . . . . .	43 MoReg 2967 . . . . .	Sept. 15, 2018 . . . . .March. 13, 2019
<b>Missouri Ethics Commission</b>			
1 CSR 50-5.010	Definitions . . . . .	43 MoReg 1121 . . . . .	Aug. 8, 2018 . . . . .Feb. 4, 2019
1 CSR 50-5.020	Registration Requirements for Committees Domiciled Outside the State of Missouri and Out-of-State Committees . . . . .	43 MoReg 1121 . . . . .	Aug. 8, 2018 . . . . .Feb. 4, 2019
<b>Department of Economic Development</b>			
<b>Public Service Commission</b>			
4 CSR 240-40.033	Safety Standards - Liquefied Natural Gas Facilities . . . . .	Next Issue . . . . .	Dec. 29, 2018 . . . . .June 26, 2019
<b>Department of Labor and Industrial Relations</b>			
<b>Division of Labor Standards</b>			
8 CSR 30-3.010	Applicable Wage Rates for Public Works Projects . . . . .	44 MoReg 5 . . . . .	Dec. 01, 2018 . . . . .May 29, 2019
8 CSR 30-3.030	Apprentices and Entry-Level Workers . . . . .	44 MoReg 6 . . . . .	Dec. 01, 2018 . . . . .May 29, 2019
8 CSR 30-3.040	Classifications of Construction Work . . . . .	44 MoReg 7 . . . . .	Dec. 01, 2018 . . . . .May 29, 2019
8 CSR 30-3.050	Posting of Prevailing Wage Rates . . . . .	44 MoReg 7 . . . . .	Dec. 01, 2018 . . . . .May 29, 2019
8 CSR 30-3.060	Occupational Titles of Work Descriptions . . . . .	44 MoReg 8 . . . . .	Dec. 01, 2018 . . . . .May 29, 2019
<b>Department of Public Safety</b>			
<b>Division of Alcohol and Tobacco Control</b>			
11 CSR 70-2.240	Advertising of Intoxicating Liquor . . . . .	43 MoReg 3199 . . . . .	Oct. 20, 2018 . . . . .April 17, 2019
<b>Department of Revenue</b>			
<b>Director of Revenue</b>			
12 CSR 10-41.010	Annual Adjusted Rate of Interest . . . . .	43 MoReg 3347 . . . . .	Jan. 1, 2019 . . . . .June 29, 2019
<b>Department of Social Services</b>			
<b>Division of Finance and Administrative Services</b>			
13 CSR 10-4.010	Prohibition Against Expenditure of Appropriated Funds for Abortion Facilities . . . . .	43 MoReg 2455 . . . . .	July 15, 2018 . . . . .Feb. 28, 2019
<b>MO HealthNet Division</b>			
13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates . . . . .	Next Issue . . . . .	Dec. 31, 2018 . . . . .June 28, 2019
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology . . . . .	43 MoReg 1991 . . . . .	July 1, 2018 . . . . .Feb. 28, 2019
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) . . . . .	43 MoReg 1994 . . . . .	July 1, 2018 . . . . .Feb. 28, 2019
<b>Elected Officials</b>			
<b>Secretary of State</b>			
15 CSR 30-70.010	Definitions . . . . .	43 MoReg 2765 . . . . .	Sept. 2, 2018 . . . . .Feb. 28, 2019
15 CSR 30-70.020	Application Assistant Training, Registration, and Renewal . . . . .	43 MoReg 2766 . . . . .	Sept. 2, 2018 . . . . .Feb. 28, 2019
15 CSR 30-70.030	Program Participant Application and Certification Process . . . . .	43 MoReg 2767 . . . . .	Sept. 2, 2018 . . . . .Feb. 28, 2019
15 CSR 30-70.040	Cancellation of Program Certification . . . . .	43 MoReg 2768 . . . . .	Sept. 2, 2018 . . . . .Feb. 28, 2019
15 CSR 30-70.050	Exercise of Program Participant's Privileges . . . . .	43 MoReg 2768 . . . . .	Sept. 2, 2018 . . . . .Feb. 28, 2019
15 CSR 30-70.060	Service of Process . . . . .	43 MoReg 2769 . . . . .	Sept. 2, 2018 . . . . .Feb. 28, 2019

Agency		Publication	Effective	Expiration
15 CSR 30-70.070	Program Participant Renewal	.43 MoReg 2770	Sept. 2, 2018	Feb. 28, 2019
15 CSR 30-70.080	Agency Disclosure Request	.43 MoReg 2770	Sept. 2, 2018	Feb. 28, 2019
15 CSR 30-70.090	Disclosure to Law Enforcement	.43 MoReg 2771	Sept. 2, 2018	Feb. 28, 2019
15 CSR 30-130.010	Definitions	.44 MoReg 22	Dec. 10, 2018	June 7, 2019
15 CSR 30-130.020	Applications, Interim Operating Permits and Forms	.44 MoReg 22	Dec. 10, 2018	June 7, 2019
15 CSR 30-130.030	Fees	.44 MoReg 23	Dec. 10, 2018	June 7, 2019
15 CSR 30-130.040	Approval of Assurance Organizations	.44 MoReg 23	Dec. 10, 2018	June 7, 2019
15 CSR 30-130.050	Use of Assurance Organizations by Applicant	.44 MoReg 24	Dec. 10, 2018	June 7, 2019
15 CSR 30-130.060	Proof of Positive Working Capital, Bonds and Letters	.44 MoReg 24	Dec. 10, 2018	June 7, 2019
15 CSR 30-130.070	Disciplinary Actions	.44 MoReg 25	Dec. 10, 2018	June 7, 2019
15 CSR 30-130.080	Request for Hearing	.44 MoReg 26	Dec. 10, 2018	June 7, 2019
15 CSR 30-130.090	Hearings	.44 MoReg 26	Dec. 10, 2018	June 7, 2019
15 CSR 30-130.100	Appeals	.44 MoReg 27	Dec. 10, 2018	June 7, 2019
<b>Department of Health and Senior Services</b>				
<b>Office of the Director</b>				
19 CSR 10-10.130	Missouri Adoptee Rights	.43 MoReg 2967	Sept. 20, 2018	March 18, 2019
19 CSR 10-15.060	Prohibition on Expenditure of Funds	.43 MoReg 2456	July 15, 2018	Feb. 28, 2019
19 CSR 20-60.010	Levels of Maternal and Neonatal Care Designations	Next Issue	Dec. 30, 2018	June 27, 2019
19 CSR 30-1.002	Schedules of Controlled Substances	.43 MoReg 3347	Nov. 04, 2018	May 2, 2019
19 CSR 30-1.023	Registration Changes	.43 MoReg 2970	Sept 27, 2018	March 25, 2019
19 CSR 30-1.064	Partial Filling of Controlled Substance Prescriptions	.43 MoReg 2971	Sept 27, 2018	March 25, 2019
19 CSR 30-1.078	Disposing of Unwanted Controlled Substances	.43 MoReg 2972	Sept 27, 2018	March 25, 2019
19 CSR 30-95.020	General Provisions	This Issue	Dec. 24, 2018	June 21, 2019
<b>Department of Insurance, Financial Institutions and Professional Registration</b>				
<b>Office of Athletics</b>				
20 CSR 2040-2.011	Licenses	.43 MoReg 2772	Sept. 7, 2018	March 5, 2019
20 CSR 2040-2.021	Permits	.43 MoReg 2772	Sept. 7, 2018	March 5, 2019
<b>Board of Cosmetology and Barber Examiners</b>				
20 CSR 2085-3.010	Fees	.43 MoReg 3058	Oct. 1, 2018	March. 29, 2019
<b>Missouri Dental Board</b>				
20 CSR 2110-2.250	Prescribing Opioids	.43 MoReg 3759	Nov. 17, 2018	May 15, 2019
<b>State Board of Registration for the Healing Arts</b>				
20 CSR 2150-3.080	Physical Therapists Licensure Fees	.43 MoReg 2459	July 13, 2018	Feb. 28, 2019
20 CSR 2150-3.170	Physical Therapist Assistant Licensure Fees	.43 MoReg 2459	July 13, 2018	Feb. 28, 2019
20 CSR 2150-3.300	Physical Therapy Compact Rules	.43 MoReg 2460	July 13, 2018	Feb. 28, 2019
20 CSR 2150-5.100	Collaborative Practice	.43 MoReg 977	April 26, 2018	Term. Nov. 20, 2018
20 CSR 2150-5.100	Collaborative Practice	.44 MoReg 27	Nov. 20, 2018	Term. Nov. 20, 2018
20 CSR 2150-5.025	Administration of Vaccines Per Protocol	.43 MoReg 2773	Sept. 30, 2018	March. 28, 2019
<b>State Board of Nursing</b>				
20 CSR 2200-4.200	Collaborative Practice	.43 MoReg 977	April 26, 2018	Term. Nov. 20, 2018
20 CSR 2200-4.200	Collaborative Practice	.44 MoReg 27	Nov. 20, 2018	Term. Nov. 20, 2018
<b>State Board of Optometry</b>				
20 CSR 2210-2.070	Fees	.43 MoReg 1257	May 21, 2018	Feb. 28, 2019
<b>State Board of Pharmacy</b>				
20 CSR 2220-2.200	Sterile Compounding	.43 MoReg 2776	Aug. 30, 2018	Feb. 28, 2019
20 CSR 2220-4.010	General Fees	.44 MoReg 28	Dec. 8, 2018	June 5, 2019
20 CSR 2220-8.010	Definitions	.44 MoReg 28	Dec. 8, 2018	June 5, 2019
20 CSR 2220-8.020	Licensing Requirements	.44 MoReg 29	Dec. 8, 2018	June 5, 2019
20 CSR 2220-8.030	Nonresident Third-Party Logistics Providers/Drug Outsourcer Facilities	.44 MoReg 30	Dec. 8, 2018	June 5, 2019
20 CSR 2220-8.040	Standards of Operation (Drug Outsourcers)	.44 MoReg 31	Dec. 8, 2018	June 5, 2019
20 CSR 2220-8.045	Standards of Operation (Third-Party Logistics Providers)	.44 MoReg 33	Dec. 8, 2018	June 5, 2019
<b>Division of Professional Registration</b>				
20 CSR 2231-3.010	Fee Waiver for Military Families and Low-Income Individuals	.43 MoReg 3760	Nov. 17, 2018	May 15, 2019
<b>Missouri State Committee of Interpreters</b>				
20 CSR 2232-1.040	Fees	.43 MoReg 3760	Nov. 17, 2018	May 15, 2019
<b>Real Estate Appraisers</b>				
20 CSR 2245-1.010	General Organization	.43 MoReg 2639	Aug 17, 2018	Feb. 28, 2019
20 CSR 2245-3.005	Trainee Real Estate Appraiser Registration	.43 MoReg 2640	Aug 17, 2018	Feb. 28, 2019
20 CSR 2245-3.010	Applications for Certification and Licensure	.43 MoReg 2641	Aug 17, 2018	Feb. 28, 2019
20 CSR 2245-6.040	Case Study Courses	.43 MoReg 2642	Aug 17, 2018	Feb. 28, 2019
20 CSR 2245-8.010	Requirements	.43 MoReg 2643	Aug 17, 2018	Feb. 28, 2019
20 CSR 2245-8.030	Instructor Approval	.43 MoReg 2643	Aug 17, 2018	Feb. 28, 2019

Agency	Publication	Effective	Expiration
<b>Missouri Consolidated Health Care Plan</b>			
22 CSR 10-1.030 Board of Trustees Election Process	.43 MoReg 3354	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.010 Definitions	.43 MoReg 3356	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.020 General Membership Provisions	.43 MoReg 3357	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.030 Contributions	.43 MoReg 3362	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.045 Plan Utilization Review Policy	.43 MoReg 3365	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.046 PPO 750 Plan Benefit Provisions and Covered Charges	.43 MoReg 3366	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.047 PPO 1250 Plan Benefit Provisions and Covered Charges	.43 MoReg 3368	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.051 PPO 300 Plan Benefit Provisions and Covered Charges	.43 MoReg 3370	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.052 PPO 600 Plan Benefit Provisions and Covered Charges	.43 MoReg 3370	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.053 Health Savings Account Plan Benefit Provisions and Covered Charges	.43 MoReg 3370	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.055 Medical Plan Benefit Provisions and Covered Charges	.43 MoReg 3372	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.060 PPO 300 Plan, PPO 600 Plan, and Health Savings Account Plan Limitations	.43 MoReg 3381	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.061 Plan Limitations	.43 MoReg 3382	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.075 Review and Appeals Procedure	.43 MoReg 3383	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.080 Miscellaneous Provisions	.43 MoReg 3384	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.088 Medicare Advantage Plan	.43 MoReg 3384	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.089 Pharmacy Employer Group Waiver Plan for Medicare Primary Members	.43 MoReg 3385	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.090 Pharmacy Benefit Summary	.43 MoReg 3386	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.110 General Foster Parent Membership Provisions	.43 MoReg 3389	Jan 1, 2019	June. 29, 2019
22 CSR 10-2.140 Strive for Wellness <sup>®</sup> Health Center Provisions, Charges, and Services	.43 MoReg 3390	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.010 Definitions	.43 MoReg 3391	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.020 General Membership Provisions	.43 MoReg 3392	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.045 Plan Utilization Review Policy	.43 MoReg 3395	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.053 PPO 1000 Plan Benefit Provisions and Covered Charges	.43 MoReg 3396	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.055 Health Savings Account Plan Benefit Provisions and Covered Charges	.43 MoReg 3397	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.056 PPO 600 Plan Benefit Provisions and Covered Charges	.43 MoReg 3397	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.057 Medical Plan Benefit Provisions and Covered Charges	.43 MoReg 3398	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.058 PPO 750 Plan Benefit Provisions and Covered Charges	.43 MoReg 3407	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.059 PPO 1250 Plan Benefit Provisions and Covered Charges	.43 MoReg 3409	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.060 PPO 600 Plan, PPO 1000 Plan, and Health Savings Account Plan Limitations	.43 MoReg 3410	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.061 Plan Limitations	.43 MoReg 3411	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.080 Miscellaneous Provisions	.43 MoReg 3412	Jan 1, 2019	June. 29, 2019
22 CSR 10-3.090 Pharmacy Benefit Summary	.43 MoReg 3413	Jan 1, 2019	June. 29, 2019

**Executive  
Orders****Subject Matter****Filed Date****Publication****2018**

<b>18-12</b>	Establishes the Missouri 2020 Complete Count Committee	Dec. 18, 2018	Next Issue
<b>18-11</b>	Closes state offices December 24, 2018.	Nov. 30, 2018	43 MoReg 3761
<b>18-10</b>	Establishes that each executive branch adhere to the code of conduct regarding gifts form lobbyist	Nov. 20, 2018	44 MoReg 36
<b>18-09</b>	Closes state offices November 23, 2018.	Nov. 1, 2018	43 MoReg 3204
<b>18-08</b>	Establishes the Missouri Justice Reinvestment Executive Oversight Council.	Oct. 25, 2018	43 MoReg 3472
<b>Proclamation</b>	Governor temporarily reduces line items in the budget.	Oct. 31, 2018	43 MoReg 3416
<b>18-07</b>	Establishes the Bicentennial Commission.	Oct. 12, 2018	43 MoReg 3202
<b>Proclamation</b>	Calls upon the Senators and Representatives to enact legislation requiring the Department of Elementary and Secondary Education to establish a statewide program to be known as the "STEM Career Awareness Program."	Sept. 4, 2018	43 MoReg 2780
<b>18-06</b>	Designates those members of the governor's staff who have supervisory authority over each department, division, or agency of state government.	Aug. 21, 2018	43 MoReg 2778
<b>18-05</b>	Declares a drought alert for 47 Missouri counties and orders the director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee	July 18, 2018	43 MoReg 2539
<b>18-04</b>	Extends the deadline from Section 3d of Executive Order 17-03 through September 30, 2018.	June 29, 2018	43 MoReg 1996
<b>18-03</b>	Reauthorizes and restructures the Homeland Security Advisory Council.	April 25, 2018	43 MoReg 1123
<b>18-02</b>	Declares a State of Emergency and activates the state militia in response to severe weather that began on Feb. 23.	Feb. 24, 2018	43 MoReg 664
<b>Proclamation</b>	Governor notifies the General Assembly that he is reducing appropriation lines in the fiscal year 2018 budget.	Feb. 14, 2018	43 MoReg 519
<b>18-01</b>	Rescinds Executive Order 07-21.	Jan. 4, 2018	43 MoReg 251

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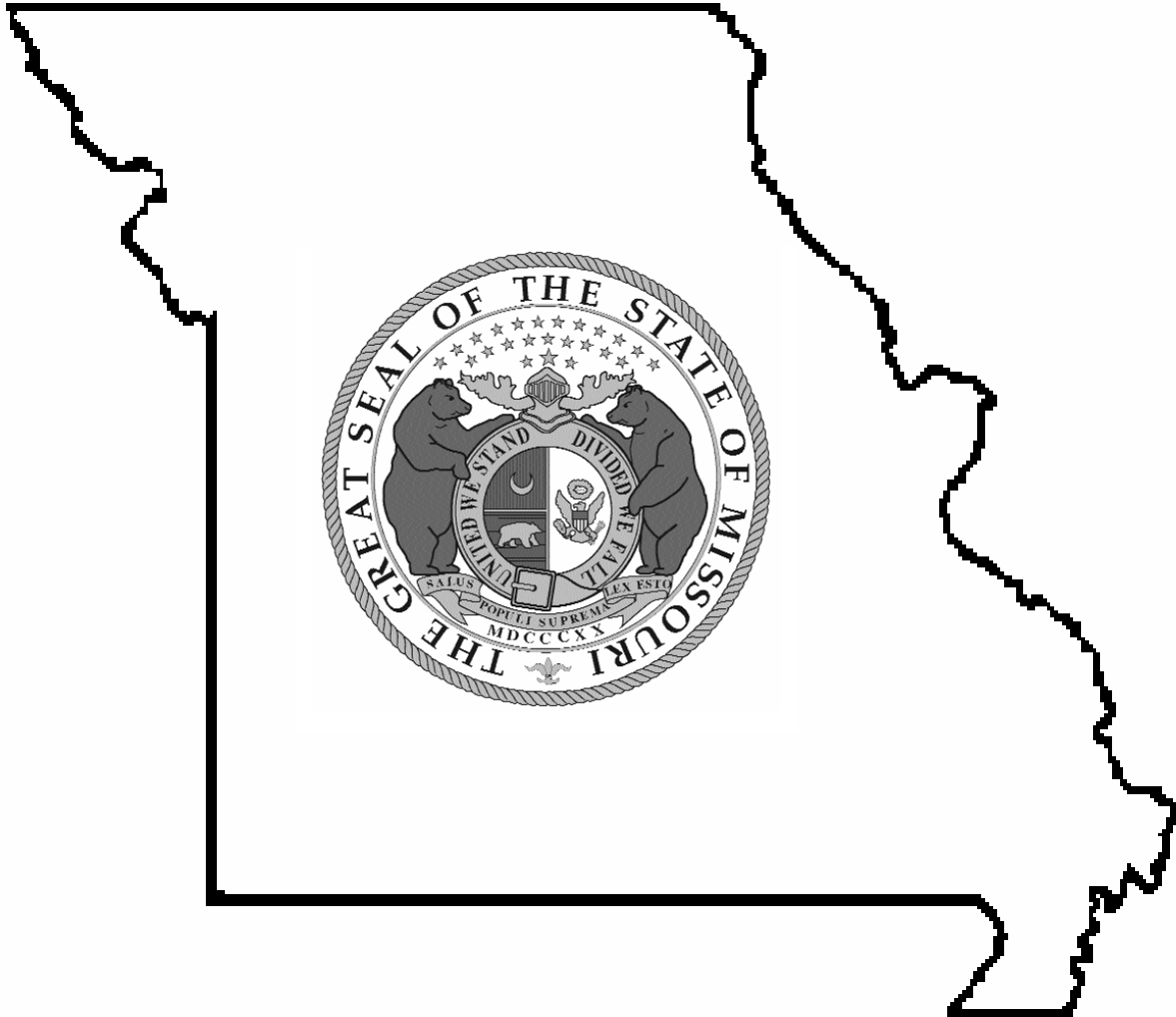
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